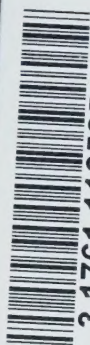


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ENVIRONMENTAL ASSESSMENT BOARD

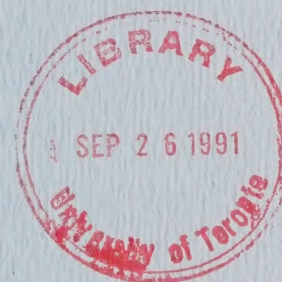
VOLUME: 326

DATE: Thursday, September 12, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member




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HEARING ON THE PROPOSAL BY THE MINISTRY OF
NATURAL RESOURCES FOR A CLASS ENVIRONMENTAL
ASSESSMENT FOR TIMBER MANAGEMENT ON CROWN LANDS
IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the Red Oak Inn, Oak Room C,
555 West Arthur Street, Thunder Bay, Ontario,
on Thursday, September 12th, 1991, commencing
at 9:00 a.m.

VOLUME 326

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

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MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.)	
MS. E. CRONK)	ONTARIO FOREST
MR. R. COSMAN)	INDUSTRIES ASSOCIATION
MR P. CASSIDY)	
MR. R. BERAM	ENVIRONMENTAL ASSESSMENT BOARD
MR. E. HANNA)	ONTARIO FEDERATION OF
DR. T. QUINNEY)	ANGLERS & HUNTERS AND
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MR. M. BAEDER)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. D. COLBORNE)	GRAND COUNCIL TREATY
MR. G. KAKEWAY)	#3.
MR. CHRIS REID	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. J. ANTLER	NORTHERN ONTARIO TOURIST OUTFITTERS ASSOCIATION
MS. M. HALL	KIMBERLY-CLARK OF CANADA LIMITED and SPRUCE FALLS POWER & PAPER COMPANY
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MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS
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MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
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APPEARANCES: (Cont'd)

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MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

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I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1914	Witness Statement No. 1 entitled: The Overview of OMAA and Its Peoples.	57380
1915	MOE Interrogatory No. 1 re: OMAA Witness Statement No. 1 and Nos. 1-6 re: Witness Statement No. 2.	57475
1916	MNR Interrogatory Nos. 2, 3, 6, 7, 12, 17 and 22 re: OMAA Panel No. 1.	57481
1917	MNR Interrogatory Nos. 1-3, 5-13, 15, 17, 20-22, 24, 27, 29, 30, 32-34 re: OMAA Panel No. 4.	57482
1918	Copy of document entitled: Agreement on Aboriginal Economic Development in Ontario between Canada, Ontario and the Ontario Metis and Aboriginal Association.	57483
1919	One-page letter dated August 19, 1991 from Mr. W.J. French, managing director, Airplane Motor Hotel, Thunder Bay, Ontario.	57483
1920	Two-page letter dated August 23, 1991 from Thomas Baxter.	57484
1921	Paper by Ms. Misek-Evans dated July 1991.	57489

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<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1922	Document entitled An Aboriginal Negotiations Commission and Negotiations Process for Claims and Proposals by Off Reserve Aboriginal Peoples in Ontario.	57551
1923	Three-page letter from Kathleen Murphy (MNR) to Christopher Reid (OMAA) dated July 3, 1991 re: Undertaking given at Fort Frances.	57595
1924	Two-page letter dated June 18, 1991 from C.J. Wildman, Minister of Natural Resources to Mr. Bjornaa.	57599

1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 MR. IRWIN: Good morning.

5 MADAM CHAIR: Good morning, Mr. Irwin.

6 MR. IRWIN: Madam Chair, I think we have
7 some assemblance of order now in day 2 and day 3.

8 We have all of the witnesses for Witness
9 Statement No. 2 that will cover Witness Statement No.
10 2. It consists of two panels, one this morning and one
11 this afternoon.

12 The one this morning will have Mr. Olaf
13 Bjornaa, president of OMAA, Mr. Henry Wetelainen,
14 vice-president of OMAA, and Mr. Harry Daniels, one of
15 the chief negotiators and senior advisor to OMAA, and
16 this afternoon Ms. Marge Misek will cover the rest of
17 that statement.

18 For tomorrow, we had a meeting last night
19 and we will have the three witnesses from the Witness
20 Statement No. 2, Mr. Harold Michon whose evidence was
21 at page 14, Mr. Salvanus Nenakanogis whose evidence was
22 at page 18, and Mr. Patrick MacGuire, Jr. whose
23 evidence was at page 16. Those three as one panel.
24 That will be the extent of our evidence. Indeed, for
25 the next two days, that will be the extent of it.

1 MADAM CHAIR: All right, thank you, Mr.
2 Irwin.

3 MR. IRWIN: We have extra copies of
4 working paper No. 4.

5 MR. FREIDIN: Madam Chair, can I just
6 speak to one matter of procedure. Yesterday what was
7 Witness Statement No. 3, Professor Morse's witness
8 statement was made Exhibit 1913. You changed the
9 number from 3 to 1.

10 I know why you did that, and I suggest
11 that you reconsider that, because what's going to be
12 happening is we're going to be filing a number of
13 interrogatories, all of us, all of which are--

14 MADAM CHAIR: Already typed.

15 MR. FREIDIN: --in relation to the old
16 witness numbers. I think that as long as there's an
17 exhibit number attached to the document that the
18 problem with following the order can be addressed, but
19 I think we should change it back or we're going to
20 cause more confusion.

21 MADAM CHAIR: Do the other parties agree
22 with Mr. Freidin's suggestion? And as we described
23 Professor Morse's evidence as Exhibit 1913, that will
24 Panel 1 in the presentation of OMAA's evidence, but it
25 will be Witness Statement No. 3 as marked on the

1 document itself.

2 MR. FREIDIN: Thank you.

3 MS. GILLESPIE: Madam Chair, for the
4 record, does that mean that we are now dealing with
5 Witness Statement No. 3 or No. 1?

6 MADAM CHAIR: What we're doing today is
7 we're dealing with Witness Panel No. 2 in the
8 presentation of OMAA's case but, in fact, it is Witness
9 Statement No. 1 as printed on the front cover of their
10 written evidence.

11 MS. GILLESPIE: And the panel tomorrow is
12 also Witness Statement No. 1.

13 MADAM CHAIR: No. Are you speaking about
14 Ms. Misek's evidence this afternoon?

15 MS. GILLESPIE: I understand that will be
16 Statement No. 1. The panel tomorrow...?

17 MADAM CHAIR: And the panel tomorrow will
18 be--

19 MR. IRWIN: Will be dealing with the
20 Witness Statement No. 2, as much as we can get done.
21 The three witnesses referred to in this who actually
22 made ground observations.

23 MADAM CHAIR: Who will be speaking to
24 their own written evidence. All right.

25 MS. GILLESPIE: Thank you.

1 MADAM CHAIR: Mr. Irwin, the next exhibit
2 will be the written evidence of what is called Witness
3 Statement No. 1 and the title of this evidence is The
4 Overview of OMAA and Its Peoples, and that will be
5 Exhibit 1914.

6 ---EXHIBIT NO. 1914: Witness Statement No. 1
7 entitled: The Overview of OMAA
 and Its Peoples.

8 MR. IRWIN: 1814 or 1914?

9 MADAM CHAIR: 19. Who will be your first
10 witness, Mr. Irwin?

11 MR. IRWIN: I have a panel but before I
12 call the panel I had just a very few short introductory
13 remarks that I failed to put on the record yesterday.

14 First, we think what's happening with
15 this panel is very, very important especially to the
16 north, northern Ontario where you're looking at almost
17 one in every two people here involved in the forestry
18 sector.

19 If you ask a northerner he'd say: Well,
20 only 10 per cent of the people in Canada work in the
21 forestry sector. How many do you think in northern
22 Ontario work in the forestry sector, and you inevitably
23 get the wrong answer.

24 And if you tell them 50 or 54 per cent,
25 whatever it is, depending on the year of employment,

1 they don't believe you, they think you've missed a
2 decimal.

3 I think it's because you have these 20
4 communities spaced out, out of the main stream of
5 Ontario and all these trucks crossing the border all
6 during the day and night that they don't realize just
7 what's happening here and they're not doing a very good
8 job.

9 Ten years ago if you walked into a
10 hearing like this and talked about sustainable yield or
11 regeneration you would draw a blank. It wasn't too
12 many years ago that we started talking about things of
13 this nature, rather than two things which we have
14 always talked about: How many roads are we going to
15 build and how far back from the cottages are we going
16 to leave trees standing and that was it.

17 The Ministry of Environment, although
18 they were the high flyers in the media were inevitably
19 the second or third person picked when you chose a
20 Cabinet. In the Cabinet they did not have the clout
21 that the media thought they had. I think even this is
22 starting to change.

23 You have a case today - this isn't
24 evidence but it's important - just in the last couple
25 of days you have Ontario Hydro meeting here for the

1 first time in --

2 "The former deputy minister of Energy
3 for Ontario said Monday was the
4 first time in more than five years that
5 the Hydro board of directors has held a
6 regular meeting outside of Toronto."

7 For the first time, they met here the day
8 before yesterday.

9 You have Mr. Clark saying, on the same
10 page of the same paper, Thunder Bay, that:

11 "Recognizing the right to self-government
12 in our Constitution is essential to that
13 broader effort...", under the headline
14 Constitution: native self-government included, and
15 going on to say:

16 "When we talk today about the right of
17 self-government, we are not talking about
18 introducing something that is new. We
19 are talking about recognizing the right
20 of aboriginal peoples exercised freely
21 for centuries before the rest of us
22 arrived."

23 And then last week Doug Lewis, federally
24 saying that:

25 "I think it would be foolish to try and

1 invent new systems for native people. I
2 would much rather say: All right, where
3 is the justice failing the native people
4 and zero in on correcting that."

5 And I think it's that same type of
6 recognition that we are starting to apply to our
7 livelihood in the forests that is being applied today
8 to native issues in northern Ontario, and I'm hoping at
9 the end of this, we have a package that benefits us
10 all, native and non-native.

11 And with those few introductory remarks,
12 I would like to call my first panel.

13 MADAM CHAIR: Yes. Could you please come
14 to the table, gentlemen. Thank you.

15 Sir, do you wish to be affirmed or do you
16 have --

17 MR. DANIELS: I wish to be affirmed, I
18 don't believe in the Bible, Ma'am.

19 MADAM CHAIR: All right.

20 MR. DANIELS: I believe in some of the
21 story but I practice my own religion, sorry.

22 MADAM CHAIR: No, that's fine. What
23 we've done at the hearing is people can speak to the
24 truth of what they're going to say in any traditional
25 means they wish or whatever.

1 So I could affirm you or if you wish to
2 say something with respect to --

3 MR. DANIELS: I wish to affirm, please.

4 HARRY DANIELS, Affirmed
5 OLAF BJORNAA,
6 HENRY WETELAINEN; Sworn

7 MADAM CHAIR: Mr. Irwin, could you
8 identify your panel members for us?

9 MR. IRWIN: On the far left facing the
10 panel is Mr. Olaf Bjornaa, he is from the Foreign
11 Mission, Goulais Bay Missionary Reserve north of Sault
12 Ste. Marie. He's a Metis, he's the president of OMAA.
13 You have his background filed as part of Witness
14 Statement No. 2. He's held many executive positions at
15 OMAA. He's also the president of the Eastern Lake
16 Superior Commercial Fishermens Association and he and
17 his father are well-known fishermen in our area of
18 northern Ontario.

19 Next to him is Mr. Harry Daniels. He's
20 the author of We Are The New Nation. He's held the
21 following positions: The president of the Native
22 Council of Canada, first elected in 1976, he's been a
23 director of the Aboriginal Rights Research for the
24 Metis Association of Alberta, past secretary/treasurer
25 of the NCC, past vice-president of the Metis
Association of Alberta.

1 North American board member for the World
2 Council of Indigenous Peoples, he's made
3 representations on behalf of Metis at the UN Conference
4 on the Environment in Sweden, at the Habitat Conference
5 in Vancouver, he's made presentations orally and papers
6 to the Senate on Legal and Constitutional Affairs in
7 Ottawa, June, '77, on the James Bay Agreement and Bill
8 C-9, Towards Co-Equality Integration Versus
9 Assimilation to the First Ministers Conference on the
10 Constitution in Ottawa, October 30th to November 1st,
11 1978.

12 The COPE Settlement Position Paper on
13 Native People in the Western Arctic, which was August
14 of '78, the NCC presentation at the Canadian Conference
15 on Multi-Culture, delineating and differentiating the
16 differences between multi-culture and aboriginal rights
17 but fitting it within the context of Canada, a very
18 interesting paper, October 27th-29th 1978.

19 Native People on the Constitution of
20 Canada Report which he commissioned - they're becoming
21 in rare supply, it's hard to get - on that commission
22 he sat as the commissioner with a commission in 1981
23 and several submissions directly and indirectly to the
24 Joint House Senate Committee on the Constitution in the
25 early 80s.

1 He was born in Regina and his present
2 position is chief negotiator for OMAA and he resides in
3 Sault Ste. Marie.

4 Henry Wetelainen is the first
5 vice-president of OMAA and I must apologize, I don't
6 have your resume. Can you give me some of your
7 background?

8 MR. FREIDIN: I think --

9 MR. WETELAINEN: It's written on Panel 4
10 there.

11 MR. IRWIN: It's there. You have -- it's
12 attached to Panel 4 which I don't have.

13 Member of the Wabigoon Metis. His
14 educational experience. He has a BA from Lakehead
15 University of '72 as set out.

16 He's been a member of the Board of
17 Directors of OMNSIA, now OMAA, that's in '78, and he's
18 first vice-president of OMAA.

19 You have a second page that I won't
20 reiterate because it's obvious I'm seeing it for the
21 first time. I don't want to move -- I know Henry more
22 as the chief negotiator, very involved in models in
23 negotiating with Ontario Hydro at this time and very
24 involved at OMAA on industrial development and funding
25 of industrial development both here and now into the

1 United States. They're now in the process of getting
2 approval to interlink aboriginal peoples directly from
3 OMAA into specifically at this stage Michigan --
4 Michigan -- are you going down to Michigan?

5 DIRECT EXAMINATION BY MR. IRWIN:

6 Q. Okay. I would like to call on Mr.
7 Olaf Bjornaa to make a few opening remarks.

8 Mr. Bjornaa?

9 MR. BJORNAA: A. Well, I want to thank
10 the ladies and gentlemen on this panel that's here to
11 invite us here because, first of all, it was kind and I
12 think it's been a long time coming and it's something
13 like Natural Resources has 20-year plans, well, OMAA's
14 been here for the last 20 years, we plan on being here
15 a lot longer.

16 We represent -- we have five zones across
17 Ontario and in these zones we have presidents,
18 vice-presidents, secretary/treasurers and board of
19 directors for the full of Ontario.

20 Our doors are open to all off-reserve
21 native people. We want our people to be serviced, we
22 feel that they haven't been serviced in the past,
23 they've been left out of things.

24 In the past that what's took place is
25 they'll advertise the Natural Resources and other parts

1 of Government where they're going to put 20-year plans
2 together, 10-year plans together. A lot of our remote
3 areas does not get the paper, does not get these
4 flyers, so the plan is put through and our people have
5 been left out again.

6 We wouldn't be around this table like
7 this if our people were involved when these panels were
8 put in place and stuff to look at plans. Like I said
9 earlier, I said OMAA was formed approximately 20 years
10 ago, it was OMNSIA then and they changed it into OMAA.
11 But there's approximately 200,000 off-reserve and I
12 stated before that our doors are open to these people.

13 I think from there I'll turn it over to
14 Harry.

15 Q. Before you do, in the Witness
16 Statement No. 1 it has an introduction to OMAA and it
17 breaks out the affiliates and the zones by map.

18 Can you give me an idea how it works
19 structurally, how OMAA works structurally in northern
20 Ontario vis-a-vis the affiliates and the head office in
21 Sault Ste. Marie?

22 A. Well, within Zone 2 here we have,
23 like I stated, a president, a vice-president
24 secretary/treasurer, we have a board of directors and
25 in Zone 2 here they had both some interregions where

1 they have elected a board of directors all across Zone
2 2 area, and that's within Armstrong, Beardmore, Thunder
3 Bay, Collins, Allan Water, I can go all along the --
4 this is the way Zone 2 has been structured and the same
5 with Zone 1 it's been structured almost the same, Zone
6 3, Zone 4 and Zone 5.

7 Q. Now, it says in the witness statement
8 that there are 102 affiliate locals. I understand
9 there's movement to do approximately another 20?

10 A. Yes, I would say it is a movement to
11 a lot more than 120. The thing is, like I stated, our
12 doors are open to all people. Lots of areas we go
13 into, if a person phones us up and they're a native
14 person, and I don't care what community, they phone us
15 up and they say: We need housing, we need education,
16 whatever we need, our doors are open we service them.
17 It isn't because lots of times they don't have a local
18 there, because any community you go in you always find
19 there's somebody who is a leader kind of over the
20 native area. Something happens at the school, you
21 usually have one trouble shooter goes to the school and
22 speaks or whatever it is. And lots of time we have
23 these people call us up and say: Look, in our area we
24 need housing.

25 Like, for a good example, Beaverhouse.

1 We just got a call, and it's possibly during the summer
2 there were two or 300 families there. Now, they
3 haven't been affiliated with us, we're going into there
4 now to service those people. We are going into --
5 those people have to be serviced as well as anybody
6 else.

7 One other item I don't know if I should
8 go into or not is we service a lot of non-natives as
9 well, a lot of non-natives need housing, need support,
10 we service them. It's pretty hard for me to say as a
11 Metis person to my father today: Well, you're white
12 you have to leave I have to talk to my mother about
13 native issues and the next day say I've got to talk
14 about the white issues.

15 Q. Okay. Now, how do you define your
16 relationship to the reserves? You have OMAA here and
17 you have the reserves here; how does that work?

18 A. Well, reserves have a land base.

19 Q. All right.

20 A. Government finds it very -- a lot
21 easier to service those people than they do the Metis
22 people.

23 It's quite easy when you have a land base
24 and you have so many people there and you know exactly
25 what you're talking about.

1 With OMAA we're spread clean across
2 Ontario and you take this amount of people off reserves
3 there's a lot of people to service.

4 Q. These are people who were formerly on
5 reserves and lost their status so that they're sort of
6 falling in the cracks?

7 A. Yeah some are. You know, there's not
8 all of them.

9 Q. You bring them into OMAA then they're
10 the so-called non-status?

11 A. If they so wish to come, in the doors
12 open. We never kick an open door down.

13 Q. Now what about Bill C-31. Do you
14 encourage the ones who've lost their status to apply
15 for their status?

16 A. Bill C-31, we have a mechanism in our
17 office where -- if people want to apply for their
18 status we help them, we service them. We've been doing
19 this now for the last, I guess going on five years -
20 hey Henry? Approximately five years we've been doing
21 this and we're still doing it, servicing the old people
22 that come in, have no place to go.

23 Q. How many employees do you have at
24 OMAA?

25 A. Province of Ontario? Oh, close to --

1 over a hundred I'd say. Around a hundred, roughly.

2 Q. What types of things, just generally,
3 that they do that you haven't discussed, in development
4 or --

5 A. Well housing, economic development,
6 education, welfare, child welfare. I guess I could go
7 on. There's nothing that we don't try and service that
8 our people ask us.

9 MR. IRWIN: Thank you Mr. Bjornaa.

10 Q. Mr. Daniels.

11 MR. DANIELS: A. Sir.

12 Q. I guess you're giving evidence this
13 morning?

14 A. I'm making notes. I got a good
15 memory but it's short.

16 Q. Mr. Daniels, you've had extensive --
17 a long history with the Metis. Where were you born?

18 A. I was born in Regina Beach,
19 Saskatchewan.

20 Q. First, what is a Metis?

21 A. Well during the constitutional talks
22 we settled on a definition that we wanted to make
23 general enough and acceptable enough to all people. So
24 historically, let me just say historically though that
25 the word Metis has been used for 3 or 400 years in

1 Canada in different contexts, and it was used to
2 describe a person of mixed European and Indian
3 ancestry.

4 Q. Where is it derived from?

5 A. It comes from the French word Metis
6 but it then also comes from a Latin, Miscere, to mix.

7 Q. So basically there may be some
8 Italians there?

9 A. Oh, we got 'em all. We got 'em all.

10 Q. Half Italian I can talk that way, Mr.
11 Martel. Especially in Sault Ste. Marie.

12 MR. MARTEL: Few in the Sault Ste. Marie
13 area isn't it.

14 MR. IRWIN: You have to be half Italian
15 in Sault Ste. Marie.

16 Q. Pardon me for interrupting. I
17 couldn't help getting that one Latin thing in.

18 MR. DANIELS: A. No, no.

19 And mainly it was used historically to
20 describe the people I have mentioned, the mixed bloods
21 between the English and French -- I mean the French and
22 Indian and then the term half-breed was used to
23 describe the Scottish and English mixed bloods, but now
24 the words became interchangeable, but now we find that
25 most of the people are using Metis across the country

1 who are of mixed extractions.

2 And if I might go back to say that during
3 the constitutional talks and for the - and I was
4 negotiating at that time with Mr. Trudeau and his
5 colleagues - in that we sat down with the Native
6 Council of Canada and decided that we would put forth a
7 definition for constitutional purposes right now.

8 That you had to be of aboriginal
9 ancestry, you have to be self-identifying, number two,
10 and number three, accepted by your community as being a
11 Metis.

12 And then in July -- I mean in January the
13 31st or 30th, I'm sorry, of 1981, at approximately 5:00
14 o'clock in the afternoon I was successful in
15 negotiating the words Indian, Inuit and Metis in the
16 Constitution, thus, in a progression of time from first
17 contact to now, we have always identified as an
18 aboriginal person. We have never -- like I'm a mixture
19 of Scot, French and Ojibway and Cree. No one has
20 ever --

21 Q. How many native languages do you
22 speak?

23 A. I speak one and I understand some
24 Ojibway.

25 Q. Which one do you speak?

1 A. Cree.

2 Q. Okay.

3 A. We have never identified as anything
4 but as an aboriginal person. At home we even speak in
5 our own language. We have a language we call -- I
6 speak another language that we call Mitchif which is a
7 melange. It's a mixture between French, English, Cree
8 and Soto and Ojibway all mixed up together and we even
9 have a dictionary out Belcourt, North Dakota, we have
10 our own dictionary on the reserve there. The whole
11 reserve of Belcourt, North Dakota, is Metis people who
12 took treaty in the United States as with Rocky Boy,
13 Montana and we talk a language called Mitchif and if
14 you don't understand parts of all those languages and
15 put it together then you don't understand anything.

16 Q. Well how would you define the fine
17 distinction between Metis and Indian?

18 A. The distinction --

19 Q. It's very difficult?

20 A. Well, yes only in --

21 Q. Except to a Metis.

22 A. The thing is this. I don't want to
23 take up a whole bunch of time but if I have to talk not
24 at length, but you see the mixed blood's been around
25 for centuries prior to the arrival of the Europeans and

1 the separate governments.

2 Marriages between families took place
3 from reserve -- from Indian tribe to Indian tribe to
4 solidify relationships in terms of the politics and
5 military powers and so on. So the concept of mixed
6 bloods is not new to this country. Mixed blood as
7 between Indian people.

8 Now after the arrival of the Europeans
9 and the emergence of a significant population of people
10 of obvious Indian ancestry, they started identifying
11 more with the Indians and were accepted more by the
12 Indians because the whites rejected them. They didn't
13 want them to be part of their community. They were
14 just children of convenience.

15 Like a guy's away from England or France
16 for five years, he takes an Indian wife, he leaves his
17 children. In some cases they took them back to
18 Scotland to be educated and brought them back.

19 A good case in point is Cuthbert Grant.
20 Cuthbert Grant went back to Scotland, his Scottish
21 father took him back to make him a white man. Cuthbert
22 Grant came back and led the Metis at the Battle of
23 Seven Oaks where they killed Semple and 21 other
24 Englishmen to defend our lands. So he never lost his
25 identity. That's the point that I'm trying to make,

1 sir.

2 But getting back to your question, what
3 is the difference, what's the distinction in present
4 day terms, in contemporary terms after the signing of
5 treaties, after the Manitoba Act, after finally the
6 constitution, that the distinction is that anyone who's
7 a treaty Indian is one that carries a number for the
8 purposes of the Indian Act and for the purpose of the
9 Federal Government to identify them as treaty or status
10 Indians.

11 That is not to say, however, that there
12 are a lot of Metis people who are on reserves, like
13 Phil Fontaine who is the Chief of the Assembly of
14 Manitoba Chiefs, the Fontaine family and all those
15 people who took treaty as Metis people, all live on one
16 side of the river on that reserve, on Fort Alexander,
17 and the Ojibway Indians live on the other because --
18 and there's always a little dichotomy so yet -- even
19 existing there.

20 My grandfather, my great grandfather,
21 Jacob Daniel, when he took scrip at Selkirk, what is
22 now Selkirk, at St. Peters, then took treaty on Peguis
23 Indian Reserve.

24 So I guess what I'm saying, sir, is that
25 in this context is that the only distinction that

1 exists for me is that at some point in time the Settler
2 Government decided they would decide who an Indian was
3 and by virtue of doing so came up with the Indian Act
4 treaties and whatnot and only those are -- so the rest
5 tend to fall on our side of the fence.

6 If I may just make one point. In 1977,
7 when I was president of the Native Council of Canada,
8 Jean Chretien was then the Minister of Manpower and
9 Immigration and we -- he commissioned, or else we went
10 forward to them and said we want to identify our people
11 in Canada and determine what the population was.

12 We went into I forget how many
13 communities - this is done in conjunction with the
14 government now, not an independent study. They helped
15 finance it. They helped work on the statistics - and
16 Jean Chretien in public admitted that if everybody,
17 based on the statistics that we took, it was not an
18 in-depth one. It wasn't a demographic survey going
19 from household to household. We did as best we could
20 with the money and some we had.

21 Jean Chretien, in 1977, admitted after
22 the study was done, and I have a copy - I don't think I
23 brought it with me. I took it out of my brief case the
24 other day - that there are as many as three million
25 Metis people in Canada. As many as three million.

1 Q. I'm not sure if it's your report that
2 you have in front of you as a commissioner, your
3 writings, you indicate that because of primarily
4 non-native regulations and non-native law --

5 A. Yes.

6 Q. -- We have the mess today, that we
7 have 13 names for natives, registered Indian, urban
8 Indian, non status Indian, status Indian, Inuit,
9 Eskimo, Metis, treaty Indian, non-treaty Indian, native
10 Indian, reserve Indian, treaty half-breed and
11 half-breed?

12 A. Yes.

13 Q. And I suggest to you that we have two
14 or three more now since C-31, C-31 Indians,
15 enfranchised Indians, which I have a hard time with.
16 If you lost your status you became enfranchised.

17 A. Section 109 of the Indian Act.

18 Q. I see now that Indian Affairs is
19 referring to the third generation after C-31 who may
20 become enfranchised again because of marriage or what.
21 They refer to them as a section. It just threw me the
22 other day. They were talking about this certain
23 section that may arise in the future.

24 So we have 13 different names for
25 Aboriginal peoples. None of them invented by

1 Aboriginal peoples. Is that a fair assessment as of
2 today or is there more?

3 A. Well, no, there's yeah, Inuit and
4 Eskimo to identify native people.

5 Q. I mentioned them, too.

6 A. Oh, you did? I'm sorry.

7 Yes, that's fair, but if I might just say
8 that I think the reason that that happened a lot was
9 that the government wanted to shrink the definition of
10 what an Aboriginal person was.

11 In 1850 or just prior to 1850, there was
12 a notion that -- well you see - and I don't say this
13 with malice - but Canada was founded on the notion of
14 racism. Only the white people could decide for Indians
15 and others. So they would decide who the Indians were
16 and they wanted to reject parts of our society, their
17 children.

18 So prior to 1850, when they were going to
19 determine who these Indian people were, they could --
20 you could be a mixed blood, you could be a treaty
21 Indian, you could be someone who lived like an Indian,
22 someone who is living with the Indians. They wanted to
23 push aside everybody who was like an Indian.

24 Q. Or adopted?

25 A. Or adopted by the Indian, yes.

1 So what happens now, they see that
2 they're getting a larger population than they really
3 thought so they started shrinking the size of the
4 population.

5 What they wanted to do was reject a whole
6 bunch of people and make their responsibility smaller.
7 But as with the case of many peoples, a case in point
8 in the Jewish and their diaspora, we have our own
9 diaspora in this country in that it's very tough to
10 make people lose their identity and their heritage by
11 virtue of this legislation and whatnot.

12 Q. I believe what you just said it would
13 have incorporated in the acts for the better protection
14 of lands and properties of Indians in lower Canada of
15 1850?

16 A. 1850, yes.

17 Q. Right.

18 Okay, 1870. Why is that date important?

19 A. 1870 is important because it was the
20 year that the Metis brought the Province of Manitoba
21 into confederation and it is deemed by many of us to be
22 a Metis treaty with Canada.

23 Why do I say that? I say that because
24 Riel sent in a delegation with father Richot and others
25 to negotiate with the federal government, at that time

1 John A. McDonald's government, the legal standing of
2 the area known as Manitoba in constitutional terms and
3 the union with Canada.

4 Riel, up until this point in time and his
5 provisional government --

6 Q. Now this is important. There was no
7 other government. He was the government of Manitoba?

8 A. We were the government.

9 Q. And he was the leader of that
10 government?

11 A. Yes, because the Hudson's Bay pulled
12 out at that time. They didn't have domain of the land.
13 They had domain over the enterprise of the fur.

14 Q. Right.

15 A. So when they pulled out there was no
16 government at all because Ontario and somewhere in the
17 bush no one knew that was -- Lower and Upper Canada
18 were still Canada.

19 Q. Was Riel given choices of which way
20 he was going to go?

21 A. Oh, yes. Well, he wasn't given
22 choices. He had the choice. He could have gone --

23 Q. I mean choices by events not by
24 persons.

25 A. By events, yes, but at the same time

1 Ulysses Grant, the President of the United States which
2 was trying to annex that part of Canada and so all
3 those factors considered, Riel and his counsel chose to
4 be Canadians and to negotiate their inclusion in the
5 Constitution of Canada as an identifiable land base and
6 an identifiable entity in that context.

7 Q. Can you hold your thought right
8 there.

9 You say chose. There was no way of
10 getting to Fort Garry then except through St. Paul.
11 St. Paul Fort Garry was the north south up to what, the
12 Red River?

13 A. Up to Pembina that Red River, yes.

14 Q. The association was north south not
15 east west?

16 A. Oh, yes, it was north south
17 definitely. It was east west only in the context that
18 they still traded with the Indians in the bush at that
19 time.

20 Q. Right, okay. Sorry to interrupt you.

21 A. No, it's perfectly all right.

22 So the fur trade, and any western
23 movement which came around the lakes after that, and
24 north and south after the English came in from the
25 north from Hudson's Bay and settled at Red River.

1 But getting back to the importance of
2 that time, was that Riel and his councils saw that
3 there was going to have to be an affiliation with
4 somebody, so they rejected the notion of joining the
5 republic of the United States and further went on to
6 negotiate with the federal government, sent a
7 delegation down there.

8 As a consequence, the Manitoba Act of
9 1870 was written in which very foresightfully Riel,
10 being a statesman and a brilliant politician and a
11 great spiritual leader of ours, he and his council
12 said: Look, let's protect both languages, English and
13 the French. There were more French Metis at that time
14 than there were English, so he wanted the courts to
15 have English and French.

16 He was fighting bilingualism long before
17 Trudeau even thought of the term and multi-culturism
18 and they were saying: Let's bring everybody into this
19 country, let's all share this country, kind of thing.
20 So he wanted to establish a government that could run
21 all that.

22 He said: The Metis will keep one seventh
23 of all this land, one seventh, the rest we will share
24 with everybody, but in the context of the Constitution
25 of Canada and allying himself with that government, or

1 with that political notion said: Look it, we will keep
2 one seventh of the land, we will protect French and
3 English rights, speaking rights, they will be used in
4 the court system. They spoke of education and they
5 also spoke of the land for the Metis, and at one point
6 in time -- at that point in time 1.4-million acres was
7 set aside for the Metis people. Now, this was our
8 government.

9 We owned all the land on both sides of
10 the river from what is now the American border to
11 Winnipeg, all the way to Portage la Prairie, all the
12 way to Selkirk and up as far as St. Laurent on the
13 lake.

14 I can identify -- I can show you by
15 maps - we have a room like this full of material -
16 exactly where my grandfather held his land and my great
17 grandfather and my uncles, my aunts and so on and so
18 forth, and most of our families can show you that.

19 And I'm just saying in terms of
20 importance of this date, at that point in time when the
21 land grab came on, that even though we did negotiate
22 Canada into the -- Manitoba into the Constitution, they
23 sent an army out and sent most of our people into exile
24 and that was our Diaspar -- the start of our Diaspar
25 where we were dispersed, and there was even books, I'll

1 show a book, The Dispersal of the Metis.

2 Q. Now, over the next 10 years from
3 that, you know, it was historically documented -- I
4 mean, there was almost 10 years of legislation from the
5 federal government taking away most of what was granted
6 in 1870, there was the script process.

7 A. Yes.

8 Q. The history is there that at the end
9 only about 10 per cent of the Metis got what they were
10 promised originally.

11 At that time were there Metis in Ontario?

12 A. Oh, definitely.

13 Q. Identifiable groups?

14 A. Oh, identifiable groups, yes. Red
15 River, Sault Ste. Marie, Mica Bay and all over the
16 north of the province right down to below the Lake
17 Detroit, Michigan and all the way to Fort Erie, there
18 were 58 communities.

19 Q. 58 identifiable --

20 A. Identifiable communities. St.
21 Ignace, Val Plain, Gros Cap.

22 Q. Gros Cap is north of the Sault?

23 A. Gros Cap south and Gros Cap north.

24 Q. And what about in northwestern
25 Ontario?

1 A. In northwest -- yes, there was.

2 Q. All right.

3 A. Because in 1873 -- well, this is
4 now -- let's take -- you see, the treaty process
5 started in 1870, shortly after 1870 and it was at the
6 insistence of Riel and his people, you have to sign
7 treaty with the Indians, you have to sign treaty with
8 them.

9 So after the Manitoba Act, let me say
10 that in 1871 when the Constitution came back from the
11 imperial government that our aboriginal rights as Metis
12 people were protected not only in the Manitoba Act in
13 Section 30 but also in the Constitution Act
14 subsection -- in Section 6 I think of the Constitution
15 Act of 1871, so our aboriginal rights were protected
16 long before treaties were signed.

17 We were the first ones to make treaties
18 was the Metis. We also made treaties, verbal treaties
19 with the Sioux and with other Indians in terms of
20 trading. The Metis were making treaties all over the
21 prairies, verbal treaties saying: Now, okay, the Sioux
22 will hunt so far and we'll hunt so far, because the
23 Metis controlled all the enterprise.

24 Q. Okay. Now, I want to jump ahead to
25 1982 and then I'll go back, but you're being relatively

1 modest. Professor Morse alluded to just how Metis got
2 into the Constitution, but I don't think anybody has
3 ever really heard testimony exactly how it happened.

4 You were the one that was there, how did
5 it happen?

6 A. Well, I was at the time president of
7 the Native Council of Canada and had been negotiating
8 with Prime Minister Trudeau and all the premiers. I
9 might say that I dealt with six prime ministers and I
10 don't know how many premiers in my lifetime - I'm still
11 here and they're gone - but anyway, this is an aside.

12 The point is that it was about 4:15 in
13 the afternoon I got call from Mark R. Gordon who was
14 with the Inuit Taparissat of Canada, the ITC.

15 Mark called and said: Harry, we have a
16 deal, because we had been negotiating. I was sitting
17 on the continuing committee of ministers on the
18 Constitution with Roy Romanow, Roy McMurtry and Jean
19 Chretien, we all sat on the committee. I didn't sit on
20 them, we appeared on their committee when aboriginal
21 affairs and aboriginal issues arose.

22 So we sat on that committee, continually,
23 myself, Noel Starblanket after George Manuel from the
24 NIB and Eric Tagoona and Michael Lamourieux from the
25 Inuit.

1 And so we were talking about including
2 aboriginal rights into the Constitution of Canada and
3 how -- what kind of mechanism, what would the wording
4 look like, we made all kinds of proposals - we have a
5 wealth of documentation on that.

6 So it was on January the 30th, 1981 about
7 4:15 - I won't forget I was just going to wind my day
8 down - and I knew that the committee, the Senate
9 Committee, the Joint Senate and House Committee was
10 meeting at Room 200 of the West Block, I knew that, and
11 I had been monitoring it for days and I thought: Well,
12 nothing is going to happen.

13 I get a call from Mark R. Gordon with the
14 Inuit -- with the Inuit and said: Harry, he said, you
15 better get up here because we've made a deal.

16 He read the deal over the phone, it was
17 going to be at that time Section 28 which stated that
18 the aboriginal and treaty rights of the aboriginal
19 peoples of Canada are hereby recognized and affirmed.
20 I said: What's the rest of it? He said: That's it.

21 And while I was talking to him my
22 secretary come running in, Jean Chretien wants you on
23 the phone. I talked to Jean Chretien, I get off the
24 phone with Mark, and Jean says to me, he says: Harry,
25 he says, I got a deal with the Indians and Inuit. I

1 said I just heard it, is that the deal? Then he said:
2 That's the best I can do. I said: Then you haven't got
3 a deal with me.

4 Because at that point in time the Native
5 Council of Canada was considered to be the most
6 powerful native organization in Canada, everybody was
7 talking about it. So I said you haven't got a deal
8 without that one.

9 So I jumped in a cab, I took myself, my
10 secretary, Allan Semple and John Weinstein, two of our
11 advisors up there, John and Allan helped work on this
12 report.

13 We arrived there and Jean Chretien had
14 just gone in. So I had a meeting with Del Riley who
15 was chief of NIB at that time, Eric Tagoona who was
16 head of the ITC and myself as the three national
17 leaders, plus we were meeting with at that time Peter
18 Ittuanar who had -- who was still a member of the NDP
19 party at that point in time, and there was Gary Apsley,
20 there were a bunch of us --

21 Q. He was an Inuit MP from the Arctic?

22 A. Yes, he was, Peter Ittuanar,
23 I-t-t-u-a-n-a-r.

24 But anyway we started talking, Del Riley
25 from the Indians says: No, we don't want -- I said --

1 we started talking about the section you're going to
2 put in. I said: It's not enough. He said: What do
3 you mean it's not enough? It's got to include the
4 word Indian, Inuit and Metis, you've got to identify
5 who we are or else that simple statement in and of
6 itself may seem like the thing that you would want in
7 that would be broad ranging enough, but there was never
8 any agreement about really who all these aboriginal
9 people were.

10 So I insisted at that time that I wanted
11 the word Metis in there. If they didn't want Indians
12 and Inuit, I wanted the word Metis included in the
13 Constitution of Canada.

14 And I pointed out to them that in 1870 we
15 already had constitutional rights, however, it was kind
16 of shady. We have since won a major court case on that
17 one. But they wouldn't go for it.

18 So John Chretien came out of the room and
19 he says: I got to phone the boss, the boss at that
20 time being Prime Minister Trudeau. He phoned him, he
21 can't get it. He went back in. A recess was called, I
22 scooted right into them to the meeting, I talked with
23 Jake Epp, I talked with Lorne Nystrom, Sven Robinson,
24 Senator Austin, and all the people I could in there,
25 got all their support while he -- while Jean Chretien

1 was outside, and they all came out and gave us -- to
2 make a boring story short, they got -- we finally, when
3 Chretien saw what was happening and the amount of
4 negotiation going on and how he had been euchred, we
5 had the support of the PCs, the support of the NDP,
6 plus we also had the support of the Chair, Senator
7 Austin was co-chair with - was it Picard, I forget -
8 anyway, so he came back, and while I was still
9 negotiating I guess he came and told my secretary: You
10 can tell Harry he got what he wants. And that's how we
11 got in the Constitution, that's how the words -- at our
12 insistence the Native Council of Canada, the insistence
13 of the Metis.

14 Q. So the aboriginal rights of the Metis
15 are enshrined in the Constitution and that's it?

16 A. More than once, yes.

17 Q. More than once. Now, I want to deal
18 with specifics. In your various writings you've
19 outlined about 13 areas where you think there could be
20 an improvement in the relationship of managing
21 resources, your social economic structures, your
22 cultural structures, and I want to start with the first
23 one and get your observations, the role of the Metis as
24 being under a co-operative administration rather than
25 just an advisory role.

1 MADAM CHAIR: Excuse me, Mr. Irwin. Are
2 you referring to a written document?

3 MR. IRWIN: No, I'm not. There's no
4 written document. These are previous published reports
5 or previous writings or previous observations by this
6 witness.

7 MADAM CHAIR: And you don't want any of
8 that made an exhibit at the hearing?

9 MR. IRWIN: No, I don't have it as an
10 exhibit.

11 MADAM CHAIR: You don't have to have it
12 today, we can receive a copy at some point and
13 distribute it to our parties.

14 MR. IRWIN: It's included in the two
15 writings there, We Are The New Nation.

16 MR. DANIELS: I can make copies of this
17 available to you, this is a constitutional work I did
18 as commissioner.

19 MADAM CHAIR: Well, we will take on the
20 job of copying those documents.

21 MR. DANIELS: Well, you can copy this
22 book, it's in short supply now. The problem is it's
23 out of print and out of date and this is also a
24 declaration of Metis and Indian rights that we used --
25 these all have ISBN numbers by the way in published

1 works.

2 MADAM CHAIR: Now, are these your views
3 or the views of OMAA?

4 MR. DANIELS: OMAA has -- previously was
5 the Ontario Metis and Non-Status Indian Association was
6 a member when I was president and supported all of
7 these --

8 MR. IRWIN: These are not his personal
9 views, these are collective views endorsed by OMAA.

10 MADAM CHAIR: Why don't we do it this
11 way. If the Board understand clearly what Mr. Daniels
12 is saying in his oral evidence, then perhaps we won't
13 need to produce those as exhibits, and if we can't
14 follow exactly, then we would need to look at those
15 documents.

16 Do the parties have any objections? Do
17 you want that material to be made an exhibit or do you
18 see the need to do that?

19 MR. FREIDIN: I don't see the need to do
20 that. I think we will hear the evidence of Mr. Daniels
21 and I'm sure that I can probably deal with that.

22 MADAM CHAIR: All right. Let's continue,
23 Mr. Irwin, and we will see at the end of this whether
24 we --

25 MR. IRWIN: Q. I want to back up just

1 before I get to that. You've maintained there were
2 three choices in these texts; assimilation,
3 co-existence and integration. Assimilation,
4 co-existence and integration, you take one of these.

5 I suggest to you there may be a fourth
6 choice that has developed since those publications;
7 namely, cessation as we see in north Quebec.

8 Let's deal with those three assimilation,
9 co-existence and integration. And as I indicated to
10 you, I had some difficulty with assimilation and
11 integration, they're almost interchangeable terms, but
12 you have made distinctions in the writing so has OMAA.

13 What do they mean to you?

14 MR. DANIELS: A. Well, co-existence means
15 to me and has meant for many of us that you take two
16 societies and try to co-exist separately from each
17 other with their own laws, their own identities, their
18 own way of operating, their own economic base and so on
19 and so forth.

20 Within the context of Canada I find that
21 difficult to accommodate because we are all living on
22 the same land base, we have provincial governments and
23 federal governments, so it's almost like -- you can
24 call it co-existence but it's segregation, you
25 segregate yourself away from the larger society.

1 Assimilation is when you take our society
2 put it inside the dominant society, we become like
3 them, we talk like them, we start looking like them, we
4 become them and we lose all of our identity; we lose
5 our language, our culture, we lose our spiritual
6 values, we lose everything and we just disappear as a
7 society within the larger society.

8 Whereas if you take the integration model
9 is where we have our society existing, the larger
10 society, we marry the two and overlap them. The larger
11 society maintains and the governments maintain certain
12 powers, we maintain certain powers, rituals, rights,
13 political control, economic control and then we share
14 the rest with society in the overlap, in a tri-party
15 -- I can't show you, I don't have enough hands here,
16 but if you had a chart you could see that, and then the
17 federal government comes into play.

18 So we integrate into society and we share
19 powers with people and we share the country with
20 people, we don't get lost inside -- in assimilation and
21 we don't take the notion of saying: We're going to
22 separate, we're going to co-exist like, say, on an
23 Indian reserve and not do anything else with Canada.
24 That model doesn't work either because where do you go,
25 who do you deal with then?

1 Q. I take it from this your preferred
2 model is integration?

3 A. Oh yes, very much so.

4 Q. Okay. Now, integration on what
5 terms, getting back to my specifics.

6 A. Okay.

7 Q. You talk about co-operative
8 administration in your writings versus advisory roles.

9 A. Mm-hmm.

10 Q. What does that mean?

11 A. Well, we would like to -- if, not if,
12 but when development comes to the north, comes anywhere
13 where our peoples live and they are going to use
14 resources that our people have sat on or been around
15 for thousands of years, then we don't want to sit and
16 watch it happen, we are tired of being the Gunga Dins
17 the country, chopping wood and hauling the water, that
18 day is gone.

19 We said the same thing the other day to
20 Hydro on Monday morning, Monday afternoon. That day is
21 gone, we have to come in at the corporate level and
22 have control of the resources, have access to those
23 resources and control of those resources and for the
24 benefit of our people and for the benefit of all
25 Canadians and we have to sit as equal partners in any

1 kind of management and use of those resources.

2 Q. Okay.

3 A. Right from our concern.

4 MR. MARTEL: It's almost like minority
5 governments, you understand that I'm sure.

6 MR. IRWIN: Q. How does that -- under my
7 second heading, how would that work in relation to
8 minerals?

9 MR. DANIELS: A. Well, to minerals. If
10 we're going to sink a shaft somewhere, say just north
11 of Wabigoon or north of Pickle Lake or wherever, and
12 there are minerals there, then we want to know how
13 they're going to be used before anything else happens
14 though, there has to be a settlement and an
15 understanding reached that these resources are ours,
16 always have been ours.

17 Because we did not use them in the way
18 that other people use them it doesn't mean that they
19 aren't ours, or that we don't have an interest in those
20 resources.

21 Q. How does that work in relation to
22 renewable resources, renewable resources, timber
23 berries, Saskatoon blueberries, timber rights?

24 A. Well, they always -- they have been
25 ours -- it may seem like a trite statement, but they

1 have always been ours, they have been our ancestors
2 resources, whether from a berry to the gold in the
3 ground and to the trees above the ground, the use and
4 management has always been in the domain of people.

5 It has been usurped and taken away by the
6 settler governments. But if in contemporary times
7 we're going to do anything with those resources, it has
8 to be understood that this boom/bust economy can't
9 happen anymore, this alienation of the aboriginal
10 peoples from access and use and deriving the benefits
11 of those resources, those days have to be over.

12 MADAM CHAIR: Excuse me, Mr. Irwin. Mr.
13 Daniels has been discussing a point that we have
14 discussed in reading your evidence for some weeks now
15 with respect to OMAA's interest in resources such as
16 the forest, and I guess the Board is still at somewhat
17 of a loss as to how your members figure in to resource
18 access and use. It's not clear in the Board's mind
19 where your members are and how they identify themselves
20 as communities.

21 For example, you said a little while ago
22 it was awfully easy for the white governments to put
23 Indian people on reserves, they're in a certain area
24 and you can see them and count the size of the
25 population, and it's a sort of easy administrative way

1 of doing things, but with respect to your own
2 communities it's a more difficult thing to
3 conceptualize.

4 In other words, when we have groups such
5 as Treaty 3 or NAN who come before us, for the most
6 part they're talking about physical areas and in that
7 instance when they talk about wanting to use resources
8 they talk about wanting to use the trees within their
9 reserve boundaries or in adjoining areas or in areas
10 under land claims.

11 And, again, there's the idea of a
12 physical boundary, somewhere on the ground where a
13 group of people identified as having this interest live
14 and work. So I guess it would be really helpful for
15 the Board if we could have a better understanding of
16 where your members live and work.

17 Now, I know with respect to the Beardmore
18 group, that was going to be one case study of a
19 community, but if you could give us some description of
20 the different types of communities that you have and
21 the interests that your members have in the forest as
22 they relate to being members of OMAA, I think that
23 would be helpful to the Board.

24 MR. DANIELS: Without getting into a
25 numbers game or in a community game, let me just say it

1 this way and then maybe Henry can pick up with this,
2 because he does a lot of work in this area.

3 In that the Indians, the status Indians
4 who have signed treaty - and I might also mention, Mr.
5 Irwin, that in 1873 there was an adhesion to Treaty 3
6 here, the Couchiching Reserve in Fort Frances, there
7 was four reserves there at one time, the legal
8 reserve - and I forget the other names - they were
9 amalgamated in 1967 to make one reserve, Couchiching,
10 and that was done -- well, anyways it doesn't matter
11 how it was done, but the Metis did sign treaty in this
12 country as well, the half-breed people.

13 Because Nicholas Chatelaine, the guy who
14 signed the treaty here, the adhesion of Treaty 3, also
15 took Metis script in Manitoba and came back with some
16 of the Brier people and settled around Fort Frances
17 again because that's where they originally came from
18 and took treaty.

19 Anyway, how do we identify our people and
20 the places. The status Indians have said, we'll acede
21 some of this land, or a lot of it, and we'll live on
22 these reserves. The Metis people have never done that,
23 all of Ontario to us is an unsettled land claim.

24 Henry, do you want to pick up on that
25 one?

1 MR. WETELAINEN: I guess just to say,
2 expand a bit from the Beardmore area. In our area in
3 Wabigoon, which is the community I'm from, we have
4 traditionally used a large land base, similar to
5 Beardmore, we have shared it with the status people.
6 My family has run trap lines in that areas for a long,
7 long time and when you say the uses overlap, our
8 traditional trap line, I've had mine personally cut off
9 in less than five years, barren, it looks like a
10 farmer's field.

11 My way to make a living was given up to
12 another company. I used to have to have travel 50
13 miles to get to my trap line. In less than five years
14 there's a road into it and another five years it was
15 clearcut, 100 square miles. I had no more pine marten,
16 my trails were bulldozed over that I had traditionally
17 used, landscape was totally changed, oil change
18 machinery was just dropped anywhere, my traps were in
19 days would be run over and the landscape changed where
20 you couldn't recognize it with big machinery. You
21 couldn't travel over it, you couldn't walk through it.

22 My use to that resource in that area was
23 overrun by a large company with no consultation to
24 myself. I was in the hands of Ministry of Natural
25 Resources, they were looking after my interests. I was

1 in the hands of the Environment, they were looking
2 after my interest. My interest was never looked after.
3 Neither was the interests of those animals, the fish,
4 the lakes for other people to see, for my children to
5 see. They'll never see the things I seen there.
6 They'll never see the nice beautiful little ravine I
7 used to go down through with my trap line and my cabin,
8 walk down through there. Now it's totally changed,
9 stumps, logs laying twisted because it wasn't
10 marketable timber.

11 This isn't just one classic story. My
12 dad's trap line is now being cut off in the same
13 manner. Jeff Chief's trap line is being cut off in the
14 same manner. My great grandfather's trap line around
15 Dinorwic has been cut off. Not with any regard to him,
16 not with any regard to his interest in the land.

17 When my grandmother now goes out to try
18 and pick medicine plants in those same areas she can't
19 find them. When she mixes up a medicine that we need
20 say for -- the one she makes is for a kidney infection
21 she can't find some of the plants in the area they used
22 to be. They're gone forever. They've been wiped out.
23 Nobody cares.

24 When guys go picking blueberries in our
25 area now and they decide to close an area off or they

1 decide to spray something, those things aren't --
2 nobody cares.

3 So those are just examples of how our
4 community -- I'm just talking about a small community
5 of about 200 people, it's Metis, non-status, that use a
6 traditional land base and what I just said, I talked
7 about five trappers. That's five families, roughly
8 you're talking about 500 square miles.

9 MR. MARTEL: Ms. Koven and I have
10 discussed this for some time now. We have been trying
11 to identify -- let us say you have in downtown Sault
12 Ste. Marie a hundred million.

13 How do you identify their rights in terms
14 of - hitting aboriginal rights in those terms - their
15 use of the forest, their involvement in decision making
16 with respect to using an area for timber purposes. How
17 do you get that involvement that you're talking about?

18 I mean one can take it, if you live right
19 in the forest even though you don't live on the reserve
20 and is used to -- and say okay, well, we live there and
21 we had a trap line and it was wiped out and we're
22 looking at that carefully of what might be done.

23 But it's much more difficult if you have
24 got a lot of your people living in Winnipeg but who
25 originate from here, and how that ties in -- where is

1 that link that people in Toronto or Winnipeg or Thunder
2 Bay or Sault Ste. Marie have living there year round to
3 tie in with the resource extraction in an appropriate
4 fashion somewhere else?

5 MR. WETELAINEN: I live in downtown Sault
6 Ste. Marie now. I live right on the river in Sault
7 Ste. Marie. I personally - my spirit still walks in
8 that trap line - I still feel I have a caretaker role
9 in that area. I still feel that my children should be
10 able to walk back there and see those areas. I still
11 think my family should be able to go there.

12 Just because - and I might be a lucky
13 one. I'm doing a political job for an organization -
14 those are my roots there. I'm not a classic example.

15 But I think if a person's been forced off
16 that land base, which they have been -- if you have
17 been forced -- say if my income was \$10,000 before the
18 forest company went through and it was \$2,000 the next
19 year, I'm starving. You have forced migration. I have
20 no choice but to give up my right because I can't live
21 there anymore. I therefore have to feed a family. I
22 have to move somewhere.

23 And there's classic examples of that all
24 over the place. If you totally reallocate the resource
25 for somebody else's benefits, what do you expect the

1 people to do in that area, and I'm not talking about
2 just that area. I'm talking about all the guides that
3 traditionally have made money taking say -- a guiding
4 Americans to big game and those areas are cut off or
5 they're excluded from the area. They're excluded from
6 making their living off that land. They still go there
7 and there's still tears in their eyes when they're
8 walking through that areas and I know it personally
9 because I've had it happen to me.

10 Now whether that person and their
11 family -- our family traditional trap lines are -- when
12 the MNR came down those lines -- do you have look at
13 the trap lines? They're not nice square. You go
14 through the townships across this country and you can
15 see they're white man's lines. They're all nicely
16 squared off blocks. You look at a map.

17 You go get a trap line boundary map from
18 MNR and look at those. There's not one square line
19 there. They're all over following valleys, following
20 rivers, following lakes. They were done for a purpose
21 that way. They were done because that's where our
22 families went up against other families. Say, okay
23 that was your line, I'll trap to this water, you that
24 from there. You trap to that lake, you go over that
25 side.

1 And today this is still done. Within
2 those trap lies my dad is letting my younger brother
3 trap. Well you trap that area and that's yours. And
4 when I die, well, maybe your son will take over part of
5 it. These things have been done this way for a long,
6 long time. Those aren't new boundaries.

7 MR. MARTEL: That's a given, but I'm sure
8 that - I shouldn't say I'm sure. One's never certain -
9 but there are Metis, I suspect, who really have no
10 relationship with the land. Am I right or wrong?

11 I mean there are people who might --
12 we're trying to get a handle on how we can connect it
13 all together and that's not really easy.

14 I mean one can use an example of a trap
15 line, and I appreciate those concerns and so does my
16 colleague, but for us the difficulty, I think, is to
17 try to get our head around how that all ties in with
18 all decision making with respect to whatever goes on in
19 the land and how one brings -- because there is no
20 community in many instances because of the dislocation
21 that's occurred and so on, how do you bring all that
22 together? The identification for us, I think, is
23 difficult.

24 MADAM CHAIR: Excuse me, I would just add
25 to Mr. Martel's comments, that a practical matter that

1 we had discussed many months ago at the hearing was
2 with respect to notice of timber management plans,
3 exactly those 20 year and 5 year and annual plans that
4 Mr. Bjornaa referred to, and the MNR is required to
5 send out mailed notices to people who have an interest
6 in particular areas.

7 Now, it would be a practical difficulty,
8 I suppose, in areas such as Wabigoon. You would be
9 very interested in timber management planning that took
10 place there and there would have to be ways of
11 involving you who don't live there, although obviously
12 it's still very much your area and your interest.

13 It's not impossible to do it. It just
14 means that we have to find different ways of involving
15 people than is the case with people who live physically
16 in the same area.

17 MR. WETELAINEN: I think we're all
18 wanting to jump on that one to respond to the first
19 one. We're all just jumping at the bit.

20 The first one was, and I really take
21 exception to it, is that we have -- we lose our
22 interest in the land.

23 MR. MARTEL: I said some. I didn't say
24 all and that's why I altered my position. I wasn't
25 going to be caught.

1 I don't know if every person of Metis
2 origin still has that interest in the land. If they do
3 I'm not sure.

4 MR. WETELAINEN: I think that what I see
5 through our community is the love for the land is there
6 for everybody. It's there.

7 What we had look at is people that misuse
8 resources and if they're brown skinned or their mixed
9 or their Metis and they misuse resources that hurts us.
10 We all know it. And we really take it as personal
11 offence to us no matter whether it's my trap line being
12 cut off or it's my neighbor's or it's my grandmother's
13 right to pick medicine plants or it's somebody elses.

14 Like We have different uses for that same
15 resource. We have a multiple, a community, that we may
16 have a medicine person that needs the medicine plants.
17 We may need the people that pick blueberries
18 traditionally that need to go out and pick blueberries.
19 We may need the people that go harvest wild rice, which
20 may be a mixture -- I have personally picked wild rice
21 the old traditional way and we know that because of a
22 dam in Dryden, which is regulated by the forest
23 company, that they let the water go and wild rice crop
24 disappears that year.

25 Just because the water level's too high

1 or the logs weren't coming out right or something or
2 they need more power, all of a sudden our wild rice
3 crop is wiped out. Now you have affected whole
4 community's ability to earn some money. We're not
5 talking huge amounts of money, but we're talking if
6 you're on a mother's allowance or you're on some type
7 of stabilized income or you're a trapper, anything like
8 that, you're talking about wiping out -- we
9 traditionally made some time in wild rice, you know,
10 \$1,500, \$2,000 in the fall. That's a major, major
11 amount of income but nobody seems to care.

12 The water level drops, big deal. They
13 say well why don't you go talk to the forest companies?
14 Why don't you go talk to the guy who's regulating?
15 Jeff Chief went up there, an old elder went there a
16 couple years, no response.

17 So I mean you're talking -- like you're
18 talking about how can we identify our people. We know
19 who we are. We know what resources. We go to those
20 communities. We know exactly and as the Beardmore
21 example will show, we know exactly what we've taken and
22 every community in Ontario can do exactly the same
23 thing.

24 You talked about notice. Traditionally
25 it's thought the MNR's going to do whatever they want

1 anyway. They're going to do it. They're going to
2 interpret their bulletin the way they want. What's the
3 sense.

4 Do you know that my dad went not even
5 last -- last year -- this is another example. He set a
6 trap, drown set, for a mink and it was set the
7 traditional way. He didn't use the connibear, he used
8 the leg hold, set it with a drown set under the water
9 and he'd done about five or six of them that day. A
10 young enforcement officer, it was a lady at a time,
11 looked at this thing and give my dad supreme shit.
12 Said that's not a drown set, that's not a traditional,
13 that's not a set, look at the book here. It says this,
14 it says that. You pick all those traps up and if you
15 don't do that I'll take your trap line off.

16 My dad's upset, goes picks up all his
17 traps, spent a day and a half working, phones me up.
18 He said, 'What the hell's going on?' I said, 'Dad,' I
19 said, 'stand up for your rights.' He said, 'Yeah, but
20 Jesus I got to take my trap line, you know, I don't
21 want to lose it. I guess I should just do what they
22 want.' I said, 'That's a traditional set. That's
23 right.' I guess she went back, checked it out and it
24 was a traditional set. She come back, 'Well, Mr.
25 Wetelainen, here's your traps back. I'm sorry.'

1 She wiped out his two days of work, his
2 potential catch for another three days in a crucial
3 time, and that happens not even last year.

4 So our people are fed up, and I think
5 Olaf will go into the thing about going for notice,
6 going for that type of thing. It just doesn't work.

7 MADAM CHAIR: Well, certainly the Board
8 has absolutely no difficulty understanding the concerns
9 of your community with respect to the uses of the
10 forest, whether it be trapping or traditional medicine.
11 Whatever those traditional uses are the Board doesn't
12 have any trouble understanding that.

13 I guess what we want a sense of is to
14 what extent you're representing your communities as
15 they exist on that land base, but we also want you to
16 give us a better appreciation of that family
17 relationship you have where you don't live in Wabigoon
18 permanently but that is your base. That is where you
19 consider yourself. That's part of your community, and
20 the Board needs to appreciate that. That's what we're
21 saying.

22 MR. BJORNAA: One thing that is stated,
23 how do we get it by our communities? I mean the white
24 society did that for the last -- ever since I've been a
25 kid identified what is the native community, what is

1 white community.

2 When a school bus comes in they say well
3 there's a native bus. That's a native bus from there.
4 There's the white bus from that other part of the
5 community.

6 I don't care what community you go in.
7 It's either up the bay or down the bay or the native
8 community's across the track or the native community's
9 across the river. White society has done that for the
10 last -- ever since I can remember. So it's hard to
11 believe when I hear that we don't understand where
12 native communities are. I mean you label us for years.

13 MR. MARTEL: Just stop right there, Mr.
14 Bjornaa.

15 Dealing with the white community, that
16 part of the white community which is alienated is the
17 unorganized township in northern Ontario and if you
18 want to see a group that are left out of everything go
19 to an unorganized township where they don't have any
20 municipal tax base, they don't have garbage collection,
21 somebody might come and pick the kids up for school,
22 but beyond that, man are they on their own hook, and
23 I'm sure Mr. Irwin had the same problem that I had for
24 years trying to get something -- in fact that's why the
25 Government of Ontario 1978 brought in a bill to try to

1 identify where the unorganized communities were, and
2 they brought in special legislation for that purpose
3 but -- in fact, the Minister of Northern Development,
4 that part of it, part of their mandate there, but still
5 even to today there's no tax base for unorganized
6 communities in northern Ontario. I mean they're left
7 in limbo as well.

8 MR. BJORNAA: Well I wouldn't say that
9 because -- I'll tell you.

10 You go to put on unorganized territory --
11 if I wanted to put a little building up, 6 by 6, MNR
12 will come out and say, 'You put that up I'll charge
13 ya.'

14 So they know where we are. I don't care
15 where it is. MNR has more power --

16 MR. MARTEL: They know where you are but
17 it's to extract from them some of the resources
18 required to function as a community which is
19 impossible.

20 MR. BJORNAA: That's why we're at this
21 table today.

22 MR. MARTEL: It's impossible.

23 MR. BJORNAA: And that's why we're at
24 this table today. Because they've left us out.

25 For one thing I think small communities

1 that we see steady is -- yes, there's a big forestry
2 company coming in and lots of times it's not a Canadian
3 company, it's some foreign company come in.

4 Where's our people get the work? Our
5 people don't get the jobs. When a construction comes
6 in for highway, do you know what our people get? An
7 odd flag job. That's the kind of jobs they get.

8 You know, when we -- when I can sit in
9 Sault St. Marie when Henry says about the St. Mary's
10 River, I can look out across St. Mary's River and see
11 all these big foreign ships come in collecting wheat,
12 grain, you name it, take it back to Russia, you name
13 it, whatever country, collecting food to take back.

14 Let's go up and try and collect food.
15 For us, you know what there is, we're charged. Let us
16 go out and try to take or harvest some fish or
17 something like that, let us go and try and harvest some
18 wild rice areas, let us go out someplace and try to
19 pick blueberries, and if we don't dance to their tune
20 we're out.

21 But yet I can see all these big foreign
22 ships go back and forth and they want us natives to sit
23 back and say: You're doing the right thing.

24 MR. IRWIN: Mr. Chairman, it's probably
25 the most difficult question that you've addressed and

1 probably the heart and substance of where you're going,
2 but we have no place to go but up.

3 I mean, to be candid, and admittedly when
4 they were more candid five, six years ago when things
5 were a little better, we have the free world's worse
6 record of regeneration. The idea is to cut and move.
7 You know the history of northern Ontario as well as I
8 do.

9 We have all these towns and instead of
10 saying: Here's your 50 miles or a hundred miles
11 similar to what they do in Sweden, they've allowed
12 massive cutting and moving, massive cutting and moving,
13 and you see it right now today happening. There's only
14 one stand left in northern Ontario. So we can't do any
15 worse.

16 I think the Supreme Court of Canada has
17 set the test that has to be addressed, consultation,
18 minimal interference and compensation in the Sparrow
19 case and, because it's hard, doesn't mean it should not
20 be done, and it should be done for two reasons: First,
21 it's the law; and, second, our country and northern
22 Ontario would be richer for doing it.

23 And the argument that because these
24 people are hard to find, because their needs and
25 aspirations are difficult to ascertain, because we

1 can't serve both sides, is the forestry argument that
2 I've heard for 25 years, that's the argument they
3 always use.

4 MR. FREIDIN: Is Mr. Irwin giving
5 evidence?

6 MADAM CHAIR: We don't usually take
7 evidence from counsel, Mr. Irwin. But could I just get
8 back to the last statements that were made by --

9 MR. IRWIN: Sorry, Madam Chair, but I get
10 carried away as a northerner.

11 MADAM CHAIR: With respect to the use of
12 resources such as fish and wildlife and so forth, are
13 Metis people entitled to the same extent as other
14 Indian people to use resources for traditional use?
15 How do you go about using resources and do you have the
16 same access as Indian people do?

17 MR. WETELAINEN: I guess traditionally
18 we've been denied access, but with the Chevrier case
19 here we've proven beyond a shadow of a doubt within the
20 courts of the land that we do have access, equal access
21 in our areas on unoccupied Crown land, we have
22 practised that in the past, we have also participated
23 in the method with our trap lines and other areas of
24 participating in the resource base.

25 MADAM CHAIR: Well, what happens today if

1 you're - I don't know - fishing or hunting and a
2 conservation officer approaches you?

3 MR. BJORNAA: They charge us.

4 MR. MARTEL: Take a moose. Let's take
5 one that's specific.

6 MR. DANIELS: Yeah, I'll take one.

7 MR. MARTEL: Take a moose, out of season
8 for the white man, okay, he gets -- the white man gets
9 it. As I understand it with Indian treaty Indians they
10 don't even report that they take the moose.

11 MR. WETELAINEN: Yeah.

12 MR. MARTEL: Do the Metis have that same
13 right?

14 MR. WETELAINEN: No. We are just in the
15 throes of setting up negotiations now on those issues.
16 The Minister has said: Yes, we do have access.

17 MADAM CHAIR: Excuse me. The Ontario
18 Minister of Natural Resources --

19 MR. WETELAINEN: Natural Resources, has
20 said that they will negotiate with us. This was proven
21 because a non-status Indian, but had proved a right as
22 a descendant of a treaty that he had that right - he
23 wasn't a status Indian but he was a descendant of that
24 treaty - that he had the same rights as the treaty
25 Indians, or the status Indians of that area.

1 Now, if you took a Metis who was not a
2 non-status Indian but then also can prove through
3 lineage that he did have -- that he was covered by that
4 treaty, our view is that he would still have that
5 right, and we'd go to court to prove that.

6 If you had a Metis that never could prove
7 that he was any lineage to any treaty, because there is
8 such people, we'd say that he has that right too, but
9 MNR would charge him.

10 MR. DANIELS: See, if I might just
11 interrupt, I want to lose this and obfuscate the issue
12 by these little things about a moose for a white man
13 and all this kind of talk, that's obfuscating the issue
14 I think. The issue is, sir --

15 MR. MARTEL: I'm just trying to
16 distinguish that a status Indian can take a moose when
17 he needs the moose.

18 MR. DANIELS: Yes, sir.

19 MR. MARTEL: And the white man - and
20 forget the white man then for a moment - can a Metis do
21 the same thing, is what I was really trying establish.
22 I wasn't trying to set up any type of straw man, I was
23 simply trying to get a distinction as to the rights
24 that status Indians had compared to non -- or Metis or
25 non-status at this time.

1 MR. DANIELS: Yes.

2 MR. MARTEL: Now, we were just explained
3 that a non-status Indian had been able to successfully
4 prove that as a descendant he has the same right as --
5 and, as I understand it, the Metis are going to try to
6 establish the same thing through the courts.

7 MR. WETELAINEN: Yes.

8 MR. DANIELS: Yes.

9 MR. MARTEL: Or negotiation.

10 MR. DANIELS: It's not that we don't have
11 the same right, it's just that it's not clear right now
12 and would give rise to more litigation and more
13 negotiation.

14 If I might just say, that you asked a
15 question: Do they lose their relationship to the land.
16 Yes, they do, but they don't lose their interest in the
17 land.

18 Because they have been alienated, because
19 of forced migration, because of social and economic and
20 other political factors that they had to move away and
21 because somehow they were disjointed from their lands,
22 and their association may not now be one of an intimate
23 nature, they do not lose their interest in that land
24 and it's incumbent upon the people who are going to
25 rape that land or use it in any way, shape or form that

1 the descendants of the original inhabitants have to be
2 found.

3 Because Henry lives in Sault Ste. Marie
4 now or because Olaf does, does not mean he does not
5 have an interest in Wabigoon, it does not mean he does
6 not have an interest in Batchawana.

7 You see the relationship might be
8 severed, but the interest in the land remains the same
9 forever. That, sir, is our living -- with respect that
10 is our view, and I think it is the view of many court
11 cases now, take Sparrow, that the aboriginal rights
12 extend to all aboriginal people that have been there,
13 they continue to be there, and they will be there.

14 MR. IRWIN: Madam Chairman, Mr. --

15 MR. DANIELS: I want to make that
16 distinction between --

17 MR. IRWIN: --Mr. Bjornaa has one comment
18 to make and perhaps after his comment, this might be an
19 appropriate time for a short recess.

20 Mr. Bjornaa?

21 MR. BJORNAA: Okay. It's like Harry
22 said, about we have an interest in the land. I'm going
23 to give you one good example. In the Sault Ste. Marie
24 area, in fact in the Goulais River Batchawana area, we
25 have one non-status Indian up there that has a

1 commercial fish licence. They held this man, you might
2 as well say Natural Resources, ransom for 370 some
3 charges. Each one of those charges -- if it cost a
4 lawyer to go to court \$500 for each charge, this man is
5 finished. This man finally got fed up, he said: I
6 don't need the harassment here anymore, Natural
7 Resources' harassed me to the end, he paid the lawyer I
8 forget what kind of money to finally beat the charges,
9 he sold his business and he moved away. He says: I'm
10 tired of being -- my neck in a noose, he says. That's
11 the kind of harassment people get, 370 some charges.

12 But he said I still got an interest, I've
13 got children, I've got grandchildren that still want
14 these resources and want to protect it.

15 MR. IRWIN: Thank you, Mr. Bjornaa.

16 MADAM CHAIR: The Board will take a
17 20-minute break now.

18 MR. IRWIN: Thank you.

19 MADAM CHAIR: Thank you.

20 ---Recess at 10:30 a.m.

21 ---On resuming at 11:00 a.m.

22 MR. IRWIN: Okay.

23 We've bounced around a bit but I think
24 we've covered co-operative/administrative versus
25 advisory roles, minerals, renewable resources.

1 Q. And in a way, because you've talked
2 about being forced off reserves and the economics of
3 it, the destruction of trap lines, we've talked about
4 economic self-reliance.

5 I want to move now to Mr. Wetelainen on
6 the power negotiation and come back to Mr. Daniels.

7 Mr. Wetelainen, now we're talking about
8 specifics, let's talk about power. You're in
9 negotiations this week on this issue and just what's
10 happening?

11 MR. WETELAINEN: A. I guess what
12 we're -- what we've been invited to do with Ontario
13 Hydro is knowing natives' concerns with power
14 production, the use of the land base that they would
15 like to use on both damming up rivers and cutting
16 swamps across our land for transmission lines, those
17 types of things, in that light they've chosen to sit
18 down and start to negotiate, talk things out: How can
19 we have your people participate with us in the
20 development.

21 If development does occur, if it's
22 environmentally friendly, if we do agree, then we go to
23 the actual economic impact on our communities.

24 What Ontario Hydro has taken is a
25 proactive approach as a corporation. They have set up

1 a committee of senior vice-presidents with a senior
2 vice-president in charge, a native affairs committee.
3 We will be participating with them discussing
4 alternatives, discussing how we can bid on contracts,
5 procurement processes, how we can participate in
6 long-term development to get away from the boom/bust
7 type of thing that Harry had spoke of before where we
8 may be -- if we're lucky, we may be able to do a little
9 bit of the slashing on a sub, sub, sub-contract at
10 minimum wages. What we're talking about is negotiating
11 contracts for our communities, long-term employment on
12 slashing, maintenance of right-of-ways, get away from
13 herbicides, those types of things.

14 So they've taken the view that they will
15 negotiate with us. They will -- also my view that
16 they're going to end up actually helping us finance
17 equipment, they're going to make contracts like
18 procurement, like the United States has a procurement
19 section to their bid process. For all contracts to do
20 with any government purchases in the United States,
21 there's a federal procurement program where minority
22 interests are given preferential treatment.

23 The military, a percentage of their
24 contracts have to be given to minority contractors. We
25 will be exploring that avenue with Hydro, whether that

1 is feasible in this country, whether that can in fact
2 work.

3 Ontario Hydro buys about \$2-billion worth
4 of services a year and product a year, a lot of it from
5 the United States, that's where we're going across
6 border type initiatives, knowing that we're looking at
7 all types of financial arrangements and procurement
8 across the United States, how we can move manufacturing
9 facilities closer to the border, how we can learn
10 contracting, how we can learn manufacturing facilities,
11 those types of things.

12 We're exploring all the technical aspects
13 to do with rebuilding our native economy. And what Ron
14 said, this Hydro is just one component. We feel that
15 we've been charged with rebuilding our economy. We
16 feel we were always -- we were the traders, we were the
17 explorers, we have done a lot of development, we
18 facilitated between the status population or the native
19 people and ourselves and the white people at the time,
20 the settlers, we were the storekeepers, the traders,
21 the manufacturers in a lot of areas and we want to
22 regain that role.

23 Our communities are in terrible economic
24 shape and because our resources were reallocated. So
25 we are exploring those types of avenues.

1 We have as an association a development
2 corporation which loans money right across the province
3 specializing in small business. We have a loan fund of
4 about \$7.5-million which specializes just in small
5 native businesses.

6 We also -- because we don't have access
7 to equity, we have taken the lead step of developing an
8 equity corporation where we can actually put in equity
9 into small business and the federal government has seen
10 fit to fund that type of corporation. This
11 organization was the lead organization developing that
12 concept. We were instrumental in getting four sister
13 corporations like that for Metis groups in the west and
14 the east funded out of the same model.

15 What we are doing as an organization is
16 developing the tools for our people to participate in
17 the economic activity of this province. We no longer
18 want to be -- we've been proud people, we've been off
19 the reserve making a living and we want to continue to
20 do that. We want to have access to our resources that
21 have traditionally been ours and we think we have the
22 institutions available to do that. We need the help of
23 industry and government.

24 There was an interesting stat that came
25 out of the federal government, the one they just done

1 there when they were selling the Free Trade Agreement,
2 they were talking about the economic impact on the
3 Canadian GNP. The stat is that if we can get the
4 native communities of this country participating at the
5 economic level of a normal Canadian non-native
6 community, we'll add 2 per cent to the gross national
7 product of this country. That's an amazing amount of
8 figures. The impact on economy and the impact on our
9 community will be tremendous.

10 So it's hearings like this that are
11 actually talking about product, resources that are key
12 into our rebuilding our economies. This is going to be
13 the cornerstone of our economic thrust for the next 20
14 years.

15 Q. Thank you, Mr. Wetelainen. I want to
16 move to another head, it's management.

17 MR. MARTEL: Can I ask a question or two,
18 because, look, I appreciate what you're attempting to
19 do. I hope you have more success than Sault Ste.
20 Marie, Kapuskasing, Elliot Lake, Wawa who are
21 struggling with exactly the same problem, they have a
22 head start on you.

23 But I'm not sure that northern Ontario
24 has been able to move away from the boom/bust economy
25 yet, in fact I'm convinced they're not, and for you I

1 would suspect that exacerbates your problem.

2 MR. WETELAINEN: I guess the response to
3 that is that we probably talk about the boom/bust
4 economy in different terms than you do. We have never
5 got out of a depression.

6 MR. MARTEL: Right.

7 MR. WETELAINEN: Okay.

8 MR. MARTEL: I think I said you're
9 further back than us.

10 MR. WETELAINEN: Your boom/bust economy
11 to us would be high living, you know, and it's
12 interesting to see. If we went through the stats --
13 you're talking about we can't do a better way, we can't
14 do things better.

15 The banks have traditionally not lent to
16 native people. They wouldn't even -- the banks have an
17 unwritten rule; the three highest risks in credit are
18 the convicts, the insane and the Indians, and that's --
19 that was what -- that's their banking philosophy.

20 The federal government said that's got to
21 change, we have got to get native people into business.
22 With that thrust over four years ago under the NDP and
23 the Native Economic Development Program they decided to
24 start funding institutions like the one we run, there's
25 29 of them across Canada.

1 230-million of capital will be in these
2 institutions. We are running right now, some of these
3 corporations, loaning to small business - which the
4 banks have said are their highest risks - we have less
5 than a one per cent loan loss.

6 In the fishing industry on B.C., which is
7 unheard of, we are managing our capital, we are
8 participating in the economy. Economics is not
9 something new in this country. You're saying that
10 these northern towns are having a hard time functioning
11 its economy. We ran an economy in this country very
12 successfully, we managed our resources.

13 When I talk about a trap line, I talk
14 about managing our resources. It wasn't just because
15 we could sell food or sell fur, that was our garden,
16 that we had to look after that thing, we had to eat
17 next year. The plants had to grow there, the food had
18 to grow there, so we have managed an economy.

19 What happened was outside forces took
20 that economy away from us. We are not bad businessmen,
21 we never have been, we opened up this country and we're
22 proving it with these corporations and hard cold facts,
23 we're proving beyond a shadow of a doubt we can manage
24 money, we can manage businesses from one end of this
25 province to the other.

1 Right now we have - we've loaned money to
2 close to a hundred businesses through a recession. We
3 haven't had to write off one loan yet.

4 Now, when we've loaned money all through
5 northwestern Ontario, we have businesses in Sault Ste.
6 Marie that we've loaned money to and those guys are
7 struggling but they haven't closed their doors yet.
8 These are native people, proud of who they are, proud
9 of being able to do business and proud of being able to
10 function. When we take this job on we're saying that
11 we're serious about it.

12 So I guess Olaf just -- we've even
13 managed to deliver another government program, and
14 maybe it's not relevant to this but maybe it is.
15 Central Mortgage and Housing delivered a program to the
16 province for native units. The federal government,
17 they could never get the native numbers up and their
18 costs to deliver it was extremely high.

19 We took over the program, we deliver
20 approximately \$32-million worth of new homes a year
21 right across this province, \$8-million worth of wrap.
22 We have consistently brought it in that we have
23 delivered to the native people, we have upped the
24 native percentages that they could never find. It's
25 the same thing with who these native people are. The

1 federal government says, we don't know, you're fooling
2 us, you can't deliver the numbers.

3 We've been delivering to native people
4 successfully at higher numbers than they have in less
5 time than they have. They used to deliver new houses
6 this year that will be built next year; we're
7 delivering new houses this year that are built this
8 year and moved into by January 31st, and we're making a
9 profit at it under what -- they couldn't even deliver
10 and keep their costs down.

11 One corporation to OMAA makes a heck of a
12 profit. So we're saying, we know how to deliver to to
13 our people, we know how to use our resources and we
14 know how to stretch them.

15 MR. IRWIN: There will be further
16 evidence by Ms. Misek on income that may be relevant to
17 your last question, Mr. Martel. It shows relevancy.
18 What is a good living to a Metis, traditionally, is
19 considered well below the poverty line in the
20 non-native community, and I think this is relevant as
21 to their standard of living.

22 In many ways the Metis have not been
23 caught up with the two car, cottage, home type of
24 living and it has affected the boom bust of the Metis
25 community.

1 Q. Back to conservation and management
2 of hunting, fishing, trapping and harvesting, which was
3 another head. We're dealing with specifics.

4 Mr. Daniels do you have any thoughts on
5 that?

6 MR. DANIELS: A. Could you rephrase
7 that, please?

8 Q. In your writings you talked about the
9 management and conservation -- management of
10 conservation of hunting, fishing, trapping and
11 harvesting.

12 A. Hm-hmm.

13 Q. So far we've been talking about the
14 loss of it. We haven't been talking the management and
15 conservation and how the Metis nation fits into that.

16 MR. FREIDIN: I was just wondering, Mr.
17 Irwin, you referred to moving out of this head. Am I
18 correct, none of these heads are in any of the witness
19 statements?

20 MR. IRWIN: These are in writings. In
21 his report.

22 MR. FREIDIN: There has been no advance
23 notice that these subject matters would be canvassed by
24 these parties. I'm not objecting but I just want to
25 make sure that I'm not missing something in the written

1 material.

2 MR. DANIELS: No, I have not submitted it
3 in writing.

4 MR. FREIDIN: Very good.

5 MR. DANIELS: I guess, Mr. Irwin, when we
6 are talking -- I guess what we are talking about in
7 this context is control of the resource.

8 MR. IRWIN: Q. And management.

9 MR. DANIELS: A. And management, of
10 course. In that we would like to have that not
11 devolved to us because it is a very important resource,
12 we would like to have a lateral transfer back to us and
13 plan the resource and the use of those resources in a
14 very environmentally sound way.

15 I think Olaf made the point better than
16 anybody on Monday when he was talking to Hydro. We
17 aren't talking only about our children and or
18 grandchildren, we're talking about yours as well. That
19 they can enjoy these resources.

20 And historically it's been proven that
21 when the Europeans arrived here they found this a
22 Garden of Eden. Now it's a wasteland. Did we have any
23 control of that? Do we have any input into that? Did
24 we write legislation? Did we bring in the machinery to
25 do all of this? No, we didn't.

1 Now being realistic, of course, times are
2 with us. But I guess what we're saying in lot of
3 places is let's cool our jets a little bit. Let's slow
4 down and make some considered and reasonable planning
5 for the future. And what will really happen to this
6 resource as a result of the exploitation of this
7 resource? What will happen is what we're saying. And
8 we want input into that whole process. Not merely as
9 witnesses at hearings like this, but in the planning,
10 the implementation and the sustaining of those
11 resources.

12 The planning of the use, the
13 implementation, proper part of that, and in sustaining
14 that, and governing it, monitoring it, and ensuring
15 that future generations, not only of ours, but of yours
16 as well can benefit from that resource.

17 So there are two benefits here. The
18 considered planning of the use of that resource, and
19 the enjoyment, the benefit of enjoying it, instead of
20 having, as Henry has indicated earlier, clear cutting
21 and wiping out his whole trap line.

22 Let me give you a classic example. I
23 come from the middle of the prairies. For all intents
24 and purposes semi arid desert. Beautiful valley. I
25 live in a beautiful lake. You think you couldn't

1 pollute that place. In my lifetime - I'm a very young
2 person - in my lifetime I can remember we used to go to
3 the lake for a pail of water to cook. We used to cook
4 by the lake. I wouldn't swim in it now.

5 So the Metis live there for generations.
6 Society moves in on us, we can't take a pail of water
7 out of our lake anymore. So what we're saying -- you
8 know they built one of the biggest --what do you call
9 them - sewage. You pump it out of the ground. What do
10 you call that and you take it away from your house.

11 Q. Septic tanks.

12 A. Septic tanks. They put a big septic
13 field, you know where? Right where the natural springs
14 flow from the hills into the rivers. Into the main
15 river that goes into the lake. Instead of putting it
16 way up in the hills somewhere else, here's a little
17 creek running down in here, nice beautiful water, they
18 just go on the other side of it. It's a natural
19 drainage basin so they put the septic over there. It
20 now flows in and there's scum floating in the river.

21 When, like as I point out, we know we're
22 living in semi arid desert, there's desert conditions
23 out there if we don't get any decent rain. Put it in
24 the middle of a field where it will dry out in about 5
25 minutes and they finally did that and they're not using

1 it anymore but after -- so why am I saying this? Well
2 to draw an analogy that if the people in northern
3 Ontario or anywhere indeed in Canada are going to go
4 and use a resource that is going to have an adverse
5 effect on our economy, on our lifestyle, on the
6 environment and on the future of that environment, we,
7 as having going back to your statement, sir, of
8 earlier, did you lose a relationship? Certainly in a
9 lot of places we did. We have an interest and a vested
10 interest as the former landlords of that land, and we
11 want to take over again with society in planning the
12 rational use of that land, and the rational use of that
13 resource. So that it does not have those kinds of
14 adverse effects, or else let's minimize them to a
15 degree that there's control over those so that our
16 children and yours can, say, walk hand in hand through
17 the bush and say this is a not bad place to be. That's
18 all we're asking.

19 It might be simplistic way of approaching
20 it, but you take that simplistic approach and take us
21 to its logical extension, we want to be in every part
22 of the process. Not as your opponents but as your
23 partners.

24 Q. That's management and conservation?

25 A. Yes.

1 Q. But I want to move to the
2 exploitation of our forests, and that's probably a bad
3 word, but that's the reality and into the modern era
4 where we're talking about regeneration, tree planting,
5 fire roads, roads for cutting, research on herbicides,
6 insecticides, the whole thing.

7 Now Olaf has mentioned about the only job
8 that would accrue to a native on the exploitation was
9 flag man, I think you said, and in your writings you've
10 talked about the benefits that accrue through the
11 exploitation of the resource.

12 I would like to have your thoughts on
13 that.

14 Q. Well, you know, most of the jobs --
15 if we're talking about -- let's talk about forestry and
16 be area specific then.

17 In that most of the jobs we're just of
18 a -- the ones that I characterized, the Gunga Din ones,
19 the slashing and burning and chopping the wood and
20 hauling the water.

21 I can only say, I guess, and reiterate,
22 that we have to have control of those resources or some
23 kind of control and what accrues to us? A wage for a
24 little while then unemployment insurance. What accrues
25 to us is the destruction of the trap line, the

1 destruction of - as Henry characterizes - our garden is
2 gone.

3 We don't get any other benefits other
4 than wages for a little while and if there's any
5 maintaining of a facility you go on the job site and
6 all you see is most of our guys wearing the yellow
7 hats. We never get to wear the white hat. And you
8 never see us out front. We're down there knee deep in
9 muck somewhere doing those kinds of jobs.

10 So what accrues to us is very minimal in
11 terms of an economy, of a lifestyle, of any control of
12 any management. We tend to exist on the periphery of
13 the economic world in that we only do the small jobs to
14 help it get built up.

15 And there's no planning in terms of
16 education, training our people to be -- if there's
17 going to be a facility of source left on site what do
18 we do? We still don't get onto that. They bring
19 southerners or people from Germany or United States and
20 things like this.

21 So what comes down to us, what filters
22 down to us through the system is just jobs that nobody
23 else wants or you wouldn't do it.

24 Let me tell you a classic example. In
25 immigration, who came here first? The Chinese. They

1 did all the gall and garbage jobs. They started
2 building an economy. Who did they bring in next? They
3 bring in Italians.

4 I'm serious, you find that as one segment
5 of society starts to prosper they've got to bring in
6 others.

7 Do you know why they brought black slaves
8 to North America? Because the Indians sat down and
9 died. They would not be subjected to that kind of
10 stuff. That's a fact. Indians would just sit down and
11 die. That's why they brought black slaves to this
12 country. Because they couldn't make slaves of the
13 Indian people.

14 In that context we do not want to be
15 slaves to a system that is going to exploit our garden,
16 our home.

17 MR. MARTEL: Can I ask you then -- let me
18 stop there for a moment.

19 If you had involvement, and that's what
20 you have been saying, how would you characterize what
21 we would do in forestry then, as opposed to what is
22 presently being done?

23 You say you want involvement. Just what
24 would you do that would be different, let us say, when
25 supplying fiber, let's say, to any of the major

1 corporations that need fiber.

2 How would you change that if you had more
3 involvement in the process from what is being done now,
4 or would you change it?

5 MR. IRWIN: Mr. Chairman, I don't think
6 these witnesses purport--

7 MR. MARTEL: I'm not asking them to--

8 MR. IRWIN: --to be experts.

9 MR. MARTEL: --tell me how they're going
10 to do planning or so on, Mr. Irwin. I'm just trying to
11 get a handle on the role they foresee for themselves in
12 the present process, or would they change the present
13 process if they had more involvement in the process?

14 MR. IRWIN: In the process?

15 MR. WETELAINEN: I would just like to
16 respond to just one issue, say from the community where
17 I am, and I'm not saying this is an example or it
18 should be the way it should be done.

19 But in that one community around our area
20 we get wood lots, a hundred cord wood lots, and they're
21 given to the Metis people around the area and we cut
22 'em all by hand yet, believe it or not.

23 We get the highest per cord per acre of
24 anywhere in the province of scrap that's given to us
25 because we're the only ones that'll go out and cut it

1 by hand yet, and you take that same scenario -- you
2 know what they done to us just lately? They told us
3 well you can't have four and a half inch top - we used
4 to cut it down to three and a half inch - they made us
5 cut four and a half inch tops now because the company
6 in that area said no we don't want that. We can't use
7 it. It's not viable. They made us throw out all the
8 wood. About 10 per cent had to be thrown on the ground
9 in one area just by changing that top size unilaterally
10 by the industry.

11 So you just take that calculation. If
12 they have done that through their whole cut area they
13 probably could a -- if you just take that 10 per cent
14 off the top of the allowable cut, they probably cut one
15 extra tap line that they didn't need to cut off just by
16 that one decision without any consultation.

17 They still take it. You go to the mill
18 yard, they'll still run it through the mills but
19 they'll deduct that 10 per cent or they'll make you
20 throw it on the ground and we have video tapes of that.
21 That we actually had our guys go through and had to
22 throw this out before that stuff could be taken into
23 the mill to be sold.

24 I mean that's one example we'd say well
25 that don't happen no more. You don't want that

1 resource then that bad. We got to look for another
2 source. We'll let it stand. We'll let the animals
3 walk through it for a while 'til you really need it.

4 You know, those are types of examples
5 that we can live without that type of management. You
6 know, to me that -- if they wanted that resource that
7 bad they wouldn't be wasting 10 per cent of it by
8 throwing it off the pile to start with and then
9 knocking down another 10 per cent in the bush because
10 they're using too big a machinery to harvest it
11 properly, and that's a proven fact. We got video tapes
12 on that that we can submit on evidence that we went
13 through on one of our trap lines. Those are actual
14 examples.

15 I'm not saying we got all the answers.
16 I'm just saying that that type of management is not
17 good management. Now I don't think we can do much
18 worse and that we're talking about our percentages of
19 land base, we know that if we were allowed a certain
20 cut on our traditional base we would prove beyond a
21 shadow of doubt that we could manage it better.

22 There's an example in Yellowknife, in the
23 community of Ray's Lake. They have a caribou herd
24 there and they're allowed so much to feed their
25 families. Well the biologist told them that that herd,

1 they flew over, tested some samples from the ground,
2 the caribou and checked a few tracks and they said,
3 'Well, the herd has diminished in size. You guys are
4 allowed to take so much cut. So many caribou this
5 year.' The elders went out and said, 'You misread the
6 signs.'

7 We want another count done. They went
8 out -- the elders' count was right on what it was and
9 the allowable harvest went up because the biologists
10 that were trained in universities and everything else
11 didn't consider a lot of the natural signs that are out
12 there. We've been taught in unwritten history, we've
13 been taught things by our ancestors that we -- we're
14 from an oral society. We've been taught things about
15 how to manage resources that are not written anywhere.
16 Same as those elders have known up there and proven
17 beyond a shadow of a doubt that that herd was the size
18 they said it was.

19 It's like Olaf tried to tell them that
20 the lower bay down here in Michigan, there's a bay
21 there that the MNR and their biologist thought well,
22 gees, you know if we could butt in some -- get rid of
23 the perch maybe and we can put in some that we could
24 make a better sports fishing industry here.

25 Olaf and the native people around said,

1 'No, don't do that because you're going to end up with
2 the lamprey eel in there and you're going to end up
3 making -- you're going to give them food because the
4 fish that are in there, the pickerel and the walleye
5 and the pike are a different type of fish and the
6 lamprey won't go on them as much. They said, "Oh, no
7 no. We know better.' The planted it full of trout.
8 That whole base is full of lamprey eel, you can't get
9 an eatable trout there. Now they say, 'I think we made
10 a mistake.'

11 MR. BJORNAA: For the taxpayers.

12 MR. WETELAINEN: It's examples like that
13 that we know, we've been taught by our ancestors.

14 I was going to a trap line when I could
15 hardly walk learning how to use snowshoes. I spent
16 time at my grandmother's there learning different
17 things. I can't remember everything but they teach you
18 slowly. I think Harry can do the same thing. The same
19 examples where we've been taught. Olaf's been taught
20 by his people.

21 Our feel for the land is so genuine
22 wabiumum (phoen).

23 The MNR come there and they said, 'Okay,
24 we're going to move your dump. It was in a nice big
25 gravel pit, I think it has good drainage. There's no

1 problem. That's a poor place for it. Let's move it.'

2 So you know what they went and done? They moved it to
3 a mud flats that drains down into a basin that comes
4 right down into the river besides our community that's
5 where the dump is today.

6 Now it fills up with all this sewage and
7 everything else and they say, 'Well, gees, it's
8 supposed to dissipate. It's supposed to go out.' Now
9 we got to push it over the edge so it drains. It
10 drains all right. It drains right down into the water
11 system. We told them it was wrong. They wouldn't
12 listen to us and that dump is situated right where
13 that -- anybody could walk through and see what's going
14 to happen. Those are types of management decisions
15 that we think we could do better at it.

16 MR. DANIELS: If I might just expand on
17 that a moment.

18 I think -- I don't think, I'm convinced
19 that one fundamental factor that has to happen too,
20 there has to be an attitudinal change in government in
21 that they have to have more respect for the people
22 they're dealing with and what is happening there.

23 If you look at the Nass River Valley, you
24 look at -- wherever, South Indian Lake in Manitoba, you
25 look at James Bay, no consideration given to the

1 people. There's an attitude that exploitation of the
2 resource is first.

3 Now, if we don't have an attitudinal
4 change of the law makers and of the corporate
5 structure, then I don't think we're going to
6 realistically be able to deal with the situation. We
7 can add a new dimension to the thought processes of
8 this country because we have, sir - I'm going back to
9 your statement again - we have a vested interest in
10 this land.

11 Now, we don't have all the answers as to
12 how we would change the corporate structure or
13 whatever, but we know that getting in there we could
14 influence the kind of thought processes that would
15 allow for a more considered plan usage of that resource
16 and a better examination of the detrimental effects of
17 that.

18 Planning for use and innovative methods
19 of harvesting, and to discuss those kinds of things,
20 keeping in -- you would not do anything in your home
21 town that was going to have a harmful effect on you,
22 you would not consciously and knowingly do it.

23 MR. IRWIN: Q. Mr. Bjornaa?

24 MR. BJORNAA: A. One thing, like, what
25 we do different. Different areas I know people that

1 own three, 400 acres of land, they go in every year
2 they select cut, select. This property is as good as
3 the day it was ever there because they select cut, they
4 know what they have, they know that this land is
5 theirs, they're preserving it, they're taking care of
6 it. I haven't seen these people come in and strip it.

7 Where there's lakes, especially streams
8 that go through, streams where when I was a kid I used
9 to fish, now those streams are dried up because there's
10 no shade for nothing there, everything is cut out, all
11 the animals is left because there's nothing there.
12 That's one thing I think native people always looks at.

13 I wouldn't take -- I've been a commercial
14 fisherman all my life and my father has been for over
15 65 years on Lake Superior - my father is 88 this
16 birthday, still fishes - I wouldn't take a bunch nets,
17 a 3-inch mash and clean everything out, I would go to a
18 4-inch mash or 5-inch mash, whatever width, but I want
19 these small ones to reproduce, but what do the forestry
20 do, they took and they threw out any net of this size,
21 they let big companies cut all this wood and destroy
22 it, that's going to take how many, a hundred years, 50
23 years to regrow back. Some of those trees are how many
24 hundreds of years old. They let them cut them and
25 destroy them.

1 If we would do that, native people, we
2 would have ben charged, we would have been charged very
3 dearly.

4 I remember back we talked about jobs for
5 native people, sir. Back a few years ago, in fact I
6 tore a strip off a guy at assembly that I shouldn't
7 have, I should have been tearing it off the Natural
8 Resources.

9 There was a fire up in the Thunder Bay
10 area, a big fire, we had people from Sault Ste. Marie
11 and all over that was chopping at the bit to go put
12 this fire out, to work on it. There was a big write-up
13 in the paper, we're bringing 500 firefighters from the
14 USA to show Ontario how to put the fire out.

15 My house going to catch fire because by
16 God I didn't have somebody from the United States come
17 and show me how to put the fire out. We had some of
18 the best people here, they never got those jobs. Like
19 Harry said, we were the scab labour, did all of the
20 dirty jobs, that's what we got out of it.

21 MR. IRWIN: Mr. Chairman, I'm going to
22 end my examination-in-chief at this point, it might be
23 an appropriate point.

24 You will be hearing a witness tomorrow,
25 Mr. Michon in Witness Statement No. 2 that may sum up

1 the question you asked. He will be giving evidence on
2 Statement No. 2, page 9.

3 The respondents are put forward to be
4 scientists, however, neither are they --

5 MADAM CHAIR: Hold on, Mr. Irwin. Where
6 are you?

7 MR. IRWIN: On Witness Statement No. 2,
8 page 9 -- Statement 2, page 9. Witness Statement No.
9 2, page 9.

10 MR. DANIELS: Can I make one statement?

11 MR. IRWIN: It's not detail, it's more
12 philosophy and the --

13 MADAM CHAIR: Is that in the executive
14 summary because it's not in the witness statement on
15 page 9.

16 MR. IRWIN: No, it's page 2. It's report
17 No. 2, in the maps.

18 MADAM CHAIR: All right, we're with you.

19 MR. IRWIN: Q. And there are
20 subparagraphs stating -- as a matter of fact, I read
21 this and I showed it to my daughter who is taking
22 English at Queen's University, the whole report, and
23 this was stated:

24 "The respondents are not and do not
25 purport to be scientists, however,

1 neither are they merely casual observers
2 of the forest environment, they are the
3 people who depend directly on wildlife
4 harvesting for food and income. Due
5 their close and regular relationship with
6 these natural resources, they are
7 probably the first to experience changes
8 in the forest and changes in the animals
9 and plants that they use for their
10 sustenance, thus their statements are
11 attempts to articulate their
12 understanding of the way timber
13 management affects their everyday lives."

14 And I think that's what these three
15 gentlemen have tried to show today, not as experts but
16 as people who have a direct relationship with this
17 environment. I was going to end there. Mr. Daniels
18 wants to say something.

19 Mr. Daniels?

20 MR. DANIELS: A. I got off on a tangent,
21 sir, I must apologize. You asked how we would do this,
22 okay.

23 MR. MARTEL: Not from a scientific point
24 of view. I mean, I understand --

25 MR. DANIELS: The fact that Mr. Irwin is

1 trying to --

2 MR. MARTEL: I mean, when I read this
3 you'll be interested to note that beside that sentence,
4 page 9, that paragraph I wrote the word "key" many
5 months ago when I read it because I understood where
6 you were coming from.

7 I just wanted to get an understanding.
8 You're not saying block everything, stop everything,
9 you just want to do it in a different way.

10 MR. DANIELS: Right.

11 MR. MARTEL: I mean, that's what I was
12 trying to get from you was some sort of, and not from
13 any scientific professional forester other than how you
14 see it, envisage it being done.

15 MR. DANIELS: Let me just preface my
16 statement, sir, by saying that what we are attempting
17 to do right now is work in partnership with governments
18 and with the corporate structure.

19 A vehicle we may be able to use, is that
20 on April the 29th of this year an agreement on
21 aboriginal economic development in Ontario between
22 Canada, Ontario and the Ontario Metis Association was
23 signed, signed by Tom Hockin on behalf of the federal
24 government and five ministers from the provincial
25 Crown, and if I could just beg your indulgence to read

1 one thing, the principles, co-operation 2.2 states:

2 "Aboriginal economic self-reliance flows
3 in part from gains and long-term
4 employment and development and viable and
5 sustainable enterprises supported by the
6 development of human resources, capital,
7 land, natural resources and community
8 institutions and infrastructure."

9 So this may be the vehicle, sir, that we
10 can use to plug into that system and all that those
11 things mean in terms of developing viable structures
12 that we can become part of that.

13 So we have the support in this context of
14 the Ontario government and of the Canadian government
15 in trying to develop those kind of scenarios that would
16 allow us to be involved in a more meaningful way in
17 progress in Canada.

18 Thank you.

19 MADAM CHAIR: Excuse me, Mr. Irwin.

20 We've asked, is that the agreement on political intent?

21 MR. DANIELS: No, that was the agreement
22 on political relationship, was as between the chiefs
23 and council and the government. This is a memorandum
24 of agreement signed on April 29th between the Ontario
25 government, the Canadian Government and OMAA.

1 MADAM CHAIR: All right.

2 MR. IRWIN: Do you want to make that as
3 an exhibit?

4 MR. DANIELS: I can make that available,
5 if you wish.

6 MR. FREIDIN: I'll deal with it in
7 cross-examination. I've got exhibit.

8 MADAM CHAIR: Are you going to bring it
9 into exhibit, Mr. Freidin?

10 MR. FREIDIN: Yes, I'll do that first
11 thing.

12 MADAM CHAIR: All right, that's fine. We
13 have copies ready apparently. Thank you, Mr. Daniels.

14 MR. DANIELS: Thank you, Ma'am.

15 MS. GILLESPIE: Madam Chair?

16 MADAM CHAIR: Ms. Gillespie?

17 MS. GILLESPIE: Perhaps I could ask Mr.
18 Irwin for a clarification that might shorten
19 cross-examination.

20 Originally Mr. Wetelainen was a witness
21 for Panel 4. I think it's unclear right now whether
22 the Witness Statement in No. 4 is going to be proceeded
23 with or not.

24 The Ministry of the Environment had
25 questions for that witness with respect to that

1 evidence, and if Mr. Wetelainen was going to be
2 returning, it will shorten our cross-examination today
3 and we will avoid -- and reserve those questions.

4 MR. IRWIN: Mr. Wetelainen has agreed to
5 return at some future date.

6 MS. GILLESPIE: To deal with Witness
7 Statement No. 4.

8 MR. IRWIN: Yes.

9 MS. GILLESPIE: Thank you.

10 MADAM CHAIR: All right. Then will any
11 of the parties be cross-examining.

12 Mr. Hunt?

13 MR. HUNT: No, thank you.

14 MADAM CHAIR: Ms. Gillespie?

15 MS. GILLESPIE: I simply will file the
16 Ministry of the Environment interrogatories, Madam
17 Chair, and the responses with respect to Witness
18 Statement No. 1.

19 MADAM CHAIR: All right, fine. And which
20 are the interrogatory numbers?

21 MS. GILLESPIE: The Ministry of the
22 Environment interrogatories with respect to Witness
23 Statement No. 1 and the responses.

24 MADAM CHAIR: Can you read the number?

25 MS. GILLESPIE: I'm sorry. Interrogatory

No. 1 with respect to Witness Statement No. 1, and Nos.
1, 2, 3, 4, 5 and 6 with respect to Witness Statement
No. 2 are on the same page. If there's no objection,
I'll just file those at the same time.

MADAM CHAIR: All right. This will be
Exhibit 1915.

---EXHIBIT NO. 1915: MOE Interrogatory No. 1 re: OMAA
Witness Statement No. 1 and Nos.
1-6 re: Witness Statement No. 2.

MADAM CHAIR: Anything else, Ms.
Gillespie?

MS. GILLESPIE: That's all, thank you.

MADAM CHAIR: Mr. Freidin, do you intend
to cross-examine?

MR. FREIDIN: Yes.

MADAM CHAIR: And how long will your
cross-examination be, Mr. Freidin?

MR. FREIDIN: It's very difficult. It
depends on whether I get into this issue of control,
which is an issue which Mr. Wetelainen has spoken to as
has Mr. Daniels, which is the subject matter of Panel
No. 4 as well.

I could be the rest of the day. I hope
to be no longer than a couple of hours.

MADAM CHAIR: Okay. Mr. Irwin, are you
producing Ms. Misek this afternoon as a witness?

1 MR. IRWIN: She's available as a witness.

2 MADAM CHAIR: All right. And you
3 expected to be how much time in leading her evidence?

4 MR. IRWIN: I would imagine two hours.
5 An hour -- up to two hours.

6 MADAM CHAIR: Which of the parties are
7 cross-examining Ms. Misek.

8 Mr. Hunt?

9 MR. HUNT: No.

10 MADAM CHAIR: Ms. Gillespie?

11 MS. GILLESPIE: We don't have any
12 questions.

13 MADAM CHAIR: Mr. Freidin, how long are
14 you going to be on that cross-examination?

15 MR. FREIDIN: I had originally estimated
16 half a day for both this panel and Ms. Misek, so that's
17 sort of the estimate I'm sort of talking about.

18 MADAM CHAIR: Mr. Irwin, sorry, you are
19 planning to bring one witness tomorrow, Mr. Michon?

20 MR. IRWIN: Mr. Michon, Patrick MacGuire,
21 Jr., and Salvanus Nenakanogis.

22 MADAM CHAIR: You're going to be
23 questioning Mr. Wetelainen now, Mr. Freidin, on the
24 panel we're dealing with. His evidence with respect to
25 Panel 4 you won't be addressing today.

1 MR. FREIDIN: Well, I would like to ask
2 for some direction on that and for this reason: This
3 panel has spoken about the control that they would like
4 over resource management. Mr. Martel has asked
5 questions about really, you wanted to sort of just
6 change the way things are done, and there's some
7 question in my mind as to whether -- how far they want
8 control.

9 Panel No. 4 is the panel where there is
10 the explanation of one of OMAA's terms and conditions,
11 that they want 25 per cent of the land base designated
12 to timber management to be allocated to them for their
13 use. It's in that panel where there are
14 interrogatories which ask for explanation of that and
15 provide a lot of insight into what those words mean.
16 They seem to mean a bit more than what they appear to
17 mean on their face.

18 There is information in Panel No. 4 in
19 the interrogatories which were asked about the extent
20 to which OMAA sees the decision of this Board applying
21 to that 25 per cent.

22 There's information about the extent to
23 which -- well, those items all go to this issue of
24 control.

25 Mr. Wetelainen is going to come back, and

1 that's the undertaking, and I can cross-examine him on
2 all those issues on control and OMAA doesn't feel that
3 they need Mr. Daniels to deal with it, that's fine,
4 I'll try to reserve those questions to get on with
5 Panel No. 1.

6 But I'm just saying, a lot of the issues
7 they have dealt with are the very issues which are
8 provided in Panel 4, so...

9 MADAM CHAIR: Okay. One moment. Mr.
10 Irwin, has your client made a decision that it will be
11 calling witnesses for --

12 MR. IRWIN: Panel No. 4?

13 MADAM CHAIR: Panel No. 4, yes.

14 MR. IRWIN: We were hoping to end this
15 portion today because I thought we had covered it, but
16 if my friends want to cross-examine, we will come back
17 with Mr. Wetelainen, unless we --

18 MR. WETELAINEN: We'll come back with
19 Panel 4.

20 MR. IRWIN: Panel 4.

21 MR. MARTEL: Well when, now that's the
22 question? We're still -- that is not tomorrow that
23 you're talking about.

24 MR. IRWIN: No, no.

25 MR. MARTEL: For Mr. Freidin's sake,

1 we're talking about some other date down the road.

2 MR. IRWIN: Some time that's convenient.

3 MR. MARTEL: All right.

4 MADAM CHAIR: All right. And have you
5 given any further thought to what you will do with the
6 proposed Panel 5 or with the Beardmore group?

7 MR. IRWIN: Okay. We met -- we will put
8 evidence, and I was taken to task last night, I've been
9 calling it the Beardmore group, it's called the
10 Macdiarmid/Bearmore group.

11 MR. WETELAINEN: Lake Nipigon.

12 MR. IRWIN: And we will be calling the
13 three witnesses whose evidence you have from that
14 report, Statement No.--

15 MADAM CHAIR: Yes, Panel 2.

16 MR. IRWIN: --tomorrow. There will be
17 some further negotiations with our consultant as to
18 whether he's going to show up, and I assure you,
19 counting on this far, there's a good chance that he'll
20 be here or else at some near date in the future.

21 MADAM CHAIR: All right then. Before we
22 finish tomorrow's business, it would be helpful if you
23 could propose to the Board how many days it will take
24 to complete your case following this week so that we
25 can do some planning with respect to the amount of time

1 that we will have to be allocated.

2 MR. IRWIN: I appreciate the Board's
3 indulgence and patience but, as I indicated to you
4 yesterday, emotions are running very high in that area
5 and we made a lot of progress I thought last night at
6 dinner as to, you know, where we're going, more than I
7 had anticipated, so it's starting to settle down.

8 MADAM CHAIR: Okay. Mr. Freidin, are you
9 satisfied by what Mr. Irwin has said, given your task
10 of cross-examining this panel, that if all these
11 questions that you might have put to Mr. Wetelainen in
12 Panel 4, if we don't get into that area today, that you
13 will have Mr. Wetelainen to cross-examine in future?

14 MR. FREIDIN: That's fine.

15 MR. MARTEL: What does it do to your
16 cross today then?

17 MR. FREIDIN: Well, it will shorten it
18 somewhat, but there are still questions which I'll ask.

19 MADAM CHAIR: All right.

20 Mr. Freidin, did you want to start? It's
21 ten minutes to twelve. Would you rather start our
22 lunch break a little bit earlier, or do you want to --

23 MR. FREIDIN: Well, I'd like to use these
24 few minutes and just file some paperwork.

25 MADAM CHAIR: Why don't we do the paper

1 filing and so forth and then break for lunch.

2 MR. FREIDIN: All right. Let me start by
3 filing MNR interrogatories to OMAA Panel No. 1, and
4 this package consists of MNR Interrogatory Nos. 2, 3,
5 6, 7, 12, 17, and 22.

6 MADAM CHAIR: Mr. Freidin, this will be
7 Exhibit 1916, and the title of it is: MNR
8 Interrogatories for OMAA Panel No. 1, but we will also
9 add to our own copies, which was led as Panel 2 in
10 OMAA's case.

11 MR. FREIDIN: Right.

12 ---EXHIBIT NO. 1916: MNR Interrogatory Nos. 2, 3, 6,
13 7, 12, 17 and 22 re: OMAA Panel
No. 1.

14 MR. FREIDIN: Madam Chair, I don't
15 believe I'm going to be spending much time on the
16 interrogatories for Panel No. 4 because of our earlier
17 discussion, but I may have to touch on them briefly and
18 so what I'd like to do now is to file as the next
19 exhibit the MNR interrogatories for OMAA Panel No. 4
20 that we would like to rely on, and do you wish me to
21 tell you which ones they are?

22 MADAM CHAIR: Yes, please.

23 MR. FREIDIN: They are Interrogatories 1,
24 2, 3, 5, 6, 7, 8, 9, 10 through 13 - we don't have 14 -
25 15, 17, 20, 21, 22, 24, 27, 29, 30, 32, 33, and 34.

1 ---EXHIBIT NO. 1917: MNR Interrogatory Nos. 1-3,
2 5-13, 15, 17, 20-22, 24, 27,
3 29, 30, 32-34 re: OMAA Panel No.
4 4.

4 MADAM CHAIR: Any more filings, Mr.
5 Freidin?

6 MR. FREIDIN: The last document I
7 would --

8 MADAM CHAIR: Excuse me. That was
9 Exhibit 1917.

10 MR. FREIDIN: And I think the last
11 document before lunch, I am going to show Mr. Daniels
12 this document.

13 Is this the agreement in relation to
14 economic development that you were referring to?

15 MR. DANIELS: Yes, that's the final copy
16 signed by the Minister. Henry, are you satisfied?

17 MR. WETELAINEN: Yes.

18 MR. DANIELS: Yes.

19 MR. FREIDIN: Copies of a document, it's
20 entitled: Agreement on Aboriginal Economic Development
21 in Ontario between Canada, Ontario and the Ontario
22 Metis and Aboriginal Association. The signatures
23 appear on the last couple of pages on various dates,
24 the last signature appears to be June the 5th, 1991,
25 signature of the honorable Shelly Martel. (handed)

1 MADAM CHAIR: This will become Exhibit
2 1918.

3 ---EXHIBIT NO. 1918: Copy of document entitled:
4 Agreement on Aboriginal Economic
5 Development in Ontario between
6 Canada, Ontario and the Ontario
Metis and Aboriginal
Association.

7 MADAM CHAIR: That's it, Mr. Freidin?

8 MR. FREIDIN: Yes.

9 MADAM CHAIR: All right. While we are
10 filing material, the Board received two letters that we
11 will also file as exhibits.

12 The first one was received from Mr. W J.
13 French who identifies himself as the managing director
14 of the Airplane Motor Hotel. That will be Exhibit 1919.
15 It's a one-page letter dated August 19th, 1991 to the
16 Board.

17 ---EXHIBIT NO. 1919: One-page letter dated August 19,
18 1991 from Mr. W.J. French,
19 managing director, Airplane Motor
Hotel, Thunder Bay, Ontario.

20 MADAM CHAIR: The second letter received
21 by the Board is from a Mr. Thomas Baxter whose evidence
22 we heard in August in Thunder Bay.

23 Mr. Baxter has since sent the Board a
24 two-page letter dated August the 23rd, 1991, and this
25 will be Exhibit 1920.

1 thinks that's a good suggestion.

2 MR. IRWIN: Thanks.

3 MADAM CHAIR: We'll be back at 1:30.

4 ---Luncheon recess at 12:00 p.m.

5 ---On resuming at 1:30 p.m.

6 MADAM CHAIR: Good afternoon, Ms. Misek.
7 Would you like to be sworn in?

8 MARGARET MISEK; SWORN

9 MADAM CHAIR: Please proceed, Mr. Irwin.

10 DIRECT-EXAMINATION BY MR. IRWIN (Cont'd):

11 Q. Ms. Misek, I would like to deal first
12 with your background. You are presently a planner, is
13 that correct?

14 MS. MISEK: A. That's correct.

15 Q. And is that the County of Oxford?

16 A. Yes, that's correct.

17 Q. And where is that?

18 A. The County of Oxford is situated
19 between London and Kitchener in southern Ontario.
20 County C is Woodstock.

21 Q. And what are your duties there?

22 A. Right now I am employed in the
23 long-term policy planning division of the department.
24 I have recently completed population projections for
25 the County of Oxford for a 25 year term, 1986 to 2011,

1 as well as household projections over that period.

2 The population projections are by age and
3 sex for each municipality, and there are eight within
4 the county.

5 Q. And I understand you've given
6 population figures before the Ontario Municipal Board,
7 is that correct?

8 A. That's correct.

9 Q. Have they been accepted?

10 A. Yes.

11 Q. You're a graduate of the University
12 of Guelph in rural planning and development, and I see
13 that you did some work for the Government of Prince
14 Edward Island in 1983, '84. What was that?

15 A. That was an evaluation of, at that
16 time, new legislation called the Lands Protection Act
17 which determined the amount of land, either and alien
18 or a resident of the island could own due to population
19 and growth pressures on the consumption of land in that
20 province.

21 Q. And you have done work on Bill C-31
22 as far its implementation subsequent to passage visa
23 vis the Metis and Aboriginal Association. What was
24 that?

25 A. I was hired by the Association in

1 1986 to develop an education package on Bill C-31, and
2 I have since delivered this education package and
3 helped people apply for their status under the Act, and
4 I've done two impact studies on Bill C-31 for the
5 association for presentation to the federal government.

6 Q. And my understanding is you have
7 given evidence to the Parliamentary, that would be the
8 Federal Parliamentary Standing Committee on Aboriginal
9 Affairs in the late '80s, is that correct?

10 A. That's correct.

11 Q. What was the nature of that type of
12 testimony?

13 A. The intent at that point, there was a
14 legislative requirement in the Bill C-31 to evaluate
15 its impacts two years after passage, and each group who
16 was participating in an attempt to assist people in
17 registration was called upon to submit their assessment
18 of the impacts of this legislation, and we were
19 presenting these impacts to the Parliamentary Standing
20 Committee.

21 The goal, we understood, was to help the
22 Standing Committee to determine whether additional
23 changes were required to the legislation.

24 Q. And your filed resume, I wouldn't go
25 into the whole thing, but I believe that you consider

1 yourself an expert, or have done expert work in land
2 use planning and policy evaluating, population
3 estimates and projections, quantitative analysis and
4 aboriginal issues, is that correct?

5 A. That's correct.

6 Q. Now you have done four papers for
7 OMAA, is that correct.

8 A. Yes, that's correct.

9 Q. And I understand that the first and
10 second paper are now combined or updated into the
11 fourth paper, is that correct?

12 A. That's correct.

13 Q. So we are looking at really the third
14 and the fourth paper today?

15 A. That's correct.

16 Q. Do you have any preference which one
17 you want to go with first?

18 A. Usually I start with the estimate and
19 projections.

20 Q. Okay. So we will go with paper
21 number four first.

22 MADAM CHAIR: Mr. Irwin, is working paper
23 number four the updated statistical information that
24 you gave to the Board yesterday?

25 MR. IRWIN: Yes, dated July 1991.

1 MADAM CHAIR: Then we will make that an
2 exhibit, and this paper by Ms. Misek-Evans will become
3 Exhibit 1921.

4 ---EXHIBIT NO. 1921: Paper by Ms. Misek-Evans
5 dated July 1991.

6 MR. IRWIN: Q. Now in your introduction
7 in page 1 of that paper, you take 1981 as a base year,
8 and your goal was to do a 25 year population projection
9 to the year 2006, is that correct?

10 MS. MISEK: A. The intent of the paper
11 is to update the base year estimate for 1991 and yes --
12 sorry, excuse, me '81, and then to do two sets of
13 projections, a 10 year projection to 1991 as well as a
14 25 year projection to the year 2006.

15 Q. On page 2, the 5th paragraph, it
16 states:

17 "The Department of Indian Affairs and
18 Northern Development, DIAND, and Census
19 Canada estimates of the 1981 off reserve
20 status SI, status Indian and Inuit
21 population are 23,560 and 1,095
22 respectively. These estimates will
23 remain unchanged in this update."

24 A. That's correct.

25 Q. Now you make reference to Bill C-31

1 at the bottom --

2 MADAM CHAIR: Excuse me, which page are
3 you on on this exhibit, Mr. Irwin?

4 MR. IRWIN: Page 2. The bottom of page
5 2.

6 Q. -- on the impact of Bill C-31. Has
7 the impact of Bill C-31 been statistically analyzed at
8 this stage?

9 MS. MISEK: A. Well strictly from a
10 numbers perspective we're using Bill C-31, or I'm using
11 Bill C-31 in this instance to determine a relationship
12 between status Indians, as well as those in the Metis
13 and non-status Indian population who would qualify for
14 status.

15 The appendix to working paper number 4, I
16 believe it's appendix 1, is a sheet from the Department
17 of Indian Affairs and Northern Development called their
18 report S4, and it details, as of May 1991, the status
19 of applications at the Department.

20 At that time they estimated that
21 potential registrations in Ontario would be 25,851 and
22 that the percentage of completion was not resulting in
23 a new registration is 37.3 per cent. That is the
24 percentage which is important in our estimates because
25 basically in establishing a relationship of status to

1 Metis and non-status who are eligible for status under
2 Bill C-31 we need to know the percentage of this number
3 which would be resulting in a new registration. This
4 number has remained constant since September of 1990
5 incidentally.

6 So in the second last paragraph to the
7 bottom of page 2 we indicate that the ratio presented
8 in working paper number 1, of 2.85 to 1, and that's
9 status Indians to Metis and non-status who qualify for
10 Indian status - I realize this is confusing - has
11 changed to 2.77 to 1 because of this increase in what
12 we call non-registration rate from 25 per cent to 27.3
13 per cent.

14 Q. Now I want to take pages 3 and 4 as a
15 group. Can you take a look at them, and from this what
16 do you think is important that the Board should be
17 aware of?

18 A. The second part of establishing this
19 ratio is to then determine how many Metis and
20 non-status Indians there are who may have applied for
21 Bill C-31 but did not qualify, who had chosen not to
22 apply for status, who are unaware of their entitlement
23 to status or who have applied and been rejected, and
24 get an idea or an approximation of how many there are
25 for every one Metis and non-status who apply and are

1 not accepted. So again we're dealing in ratios.

2 In order to do that the approach we used
3 was to survey the local. In the middle of page 3 is
4 the response to the survey and we feel that that is
5 fairly well represented with the exception of the OMAA
6 Zone 3.

7 The question that was most of interest
8 was Question No. 4 in the questionnaire which is in
9 Appendix 2 of this report, and basically this question
10 asked that, for every person who has applied -- for
11 every Metis and non-status Indian person who as applied
12 and been successful in obtaining status, how many
13 others have applied and not been successful, or have
14 not applied, or have decided not to apply, or who are
15 unaware of Bill C-31 either.

16 The weighted average we achieved using
17 this question was 3.72. In the bottom part of page 4
18 then we complete our ratio and we state that, for every
19 1 Metis, non-status Indian reinstatee there are 3.72,
20 what we call non-applicant rejectants; in other words,
21 those who didn't apply or those who applied and were
22 rejected for every 2.77 status Indians.

23 Multiplying that out we have a ratio then
24 of 1.7 Metis and non-status to every 1 status Indians.
25 Applying that back to our base year population which

1 we're trying to establish for 1981, we arrive at a 1981
2 Metis and non-status Indian population of 121,945.

3 Q. Okay. That's on page --

4 A. 4.

5 Q. And you have it summarized on page 5
6 too, I see.

7 A. Well, the total off-reserve
8 aboriginal population then is summarized on page 5, and
9 adding back in the Inuit and the off-reserve status
10 Indians, that puts the total at 146,600.

11 Q. And these were estimates made in
12 1981?

13 A. These are estimates of the 1981
14 population made this year.

15 Q. Okay.

16 MADAM CHAIR: Excuse me, just a point of
17 clarification, Ms. Misek. OMAA's interest in the
18 classification process of status by Bill --

19 MS. MISEK: C-31.

20 MADAM CHAIR: C-31, is that for members
21 of OMAA who apply for an Indian status, if it's
22 accepted then that reduces the population size of
23 OMAA's membership?

24 MS. MISEK: Not necessarily, Ma'am,
25 because OMAA represents the off-reserve aboriginal

1 population which includes registered Indians who reside
2 on reserve.

3 MADAM CHAIR: Right.

4 MS. MISEK: It doesn't necessarily change
5 their status with respect to OMAA unless they move back
6 to a reserve.

7 MADAM CHAIR: All right. So that the
8 Board understands this clearly. When will any effects
9 of Bill C-31 be finished, how long does the process of
10 people applying for this sort of thing go on, and does
11 it have an effect on population estimates indefinitely,
12 or is there a point of time --

13 MS. MISEK: In preparation for this paper
14 I discussed that question with representatives of the
15 Department of Indian Affairs. They cannot put a time
16 limit on it because the legislation stands and, as long
17 as there are no further changes to the membership
18 provisions of the Act, they can't say that there will
19 never be any more applicants under Bill C-31.

20 They have noted, however, that since 1985
21 to approximately 1988, which were considered the boom
22 years of applications, things have slowed down
23 considerably. They will not put a ceiling on the
24 number of applicants they anticipate receiving.

25 To try and answer your question, I feel

1 probably that the biggest impact, you know, myself from
2 the Bill C-31 will be felt within the decade of its
3 passing, however, I don't anticipate, and it hasn't
4 been pointed out as a big factor in this paper, that it
5 will necessarily influence OMAA's constituency because
6 the off-reserve residency rate, in all probability,
7 will likely increase as opposed to decrease because
8 there is insufficient room on the current reserves to
9 accommodate new reinstates.

10 So although the Metis and non-status have
11 perhaps changed legally in their identification, they
12 haven't necessarily changed culturally or with respect
13 to affiliation to their communities.

14 MR. IRWIN: Q. On page 6 and 7 you have
15 made certain assumptions about fertility, mortality and
16 migration. If they're to be tested they could be
17 tested by my friends in cross-examination.

18 But why did you make these assumptions,
19 on what basis?

20 MS. MISEK: A. Okay. The fertility
21 assumptions are detailed more so in working paper No.
22 2. The fertility and mortality and migration
23 assumptions that appear here were discussed at length
24 in that paper and essentially they are based on
25 research and recent trends in fertility, mortality and

1 migration and anticipated trends in those components of
2 growth as well.

3 Population projections are based on
4 probability statistics, so essentially what you do is
5 study past trends in the major components of the
6 population; in other words, births, deaths and
7 migration, and essentially take an educated estimation
8 of how those factors will change in the future.

9 And what you see on the bottom of page 6
10 and the top of page 7 are the estimated probabilities
11 of those factors.

12 Q. Okay. On page 7 you reflect that
13 your results show an aging population. That is similar
14 to the non-native estimates in the sense that we are
15 living in an era of an aging population, people are
16 living longer?

17 A. Yes. The result of the 10-year
18 projections are shown on Table 3. Using the Metis
19 numeral, what we call the reference scenario, this
20 projection produces a population of off-reserve
21 aboriginal people of 175,809 for this year. And the
22 range around that, using the low and the high, for
23 sensitivity analysis purposes is 172,186 to 180,217.

24 Q. Okay. Without going into great
25 detail now, you're showing an aging population--

1 A. Yes.

2 Q. --which is not peculiar to natives,
3 it's North America has an aging population.

4 A. Yes. North America, particularly
5 Ontario, is experiencing an aging population currently.
6 We have -- in the projection we are still projecting an
7 annual growth rate of 1.83 per cent per annum which is
8 a very generous growth rate, and it is indicative or
9 certainly similar to previous growth rates, although
10 somewhat lower for the Native population.

11 Q. Now, on pages 8, 9 and 10, again, I'm
12 not going into the detail, it can be left to
13 cross-examination, but you make three projections, a
14 low, medium and high projection of the population in
15 the year 2006.

16 In the high projection, you have a figure
17 of 230,728; in the medium projection on page 9 you have
18 a figure of 208,166, and on the low projection of the
19 year 2006 you have a figure of 191,721 and you
20 recommend at page 10 the mid-range and the
21 mid-preference of a population of 191,721 in the year
22 2006.

23 Is there any particular reason why you
24 picked mid-range?

25 A. If I might make a correction. The

1 mid-range is 208,000 population.

2 Q. I'm sorry, what did I say?

3 A. The 191.

4 Q. Oh. 208,166.

5 A. Yes. The medium projection is
6 regarded as the reference or most likely scenario. It
7 reflects conservative growth patterns based on medium
8 fertility assumptions; in other words, decline of the
9 total fertility rate to approximately 2.2 children per
10 woman by the end of the projection period.

11 This is still a fairly generous fertility
12 rate as compared to the non-native population, and that
13 reflects historical trends, as the native population
14 has historically always had a higher fertility rate,
15 however, it also assumes that the most recent trends in
16 Native fertility will continue, and that has been a
17 slow decline in that statistic.

18 It also assumes that the medium mortality
19 assumption will be reflected, and that is a slow
20 decline in mortality, however - if I can skip to the
21 summary for just a moment - I feel that there still
22 needs to be additional research done on the mortality
23 end of the equation, simply because the gains in male
24 and female life expectancy in the Native population are
25 very modest when compared to the non-native population.

1 over the same time period for projection purposes, in
2 that it is likely that additional gains could be
3 realized.

4 Another limitation in the data is that
5 there were no gender specific mortality rates and it's
6 a fairly common fact that the female population has a
7 higher life expectancy than the male population. This
8 has an overall impact on fertility as well as age, sex
9 composition of the population by the end of the
10 projection period.

11 Nonetheless the medium projection
12 reflects sort of the medium fertility, the medium
13 mortality, and gives us a medium picture for the year
14 2006 which is a conservative estimate.

15 Q. Okay. If I might now pass on to
16 paper No. 3, please.

17 MADAM CHAIR: One question, Ms. Misek.
18 Has OMAA encouraged its members to take part in the
19 census this year.

20 MS. MISEK: I can't answer that.

21 MR. WETELAINEN: Yes, we have. We have
22 been part of a pilot project in Sault Ste. Marie called
23 Native - what's that - I can't remember the details
24 about the pilot project on more detailed census data,
25 and I think there was one in Sault Ste. Marie and one

1 out west that was being done and it was early in this
2 year that we participated in that.

3 MADAM CHAIR: Thank you.

4 MR. IRWIN: Q. Okay. If we now may go
5 to paper No. 3, please.

6 MR. MARTEL: Could I try and get a
7 clarification. We had a figure of 3-million Metis
8 across Canada somewhere today or yesterday.

9 MR. DANIELS: I said that this morning,
10 sir, with reference to a study that was done in 1977
11 financed by Manpower and Immigration, and we did a
12 study across Canada with the Native Council of Canada,
13 and the Minister, Jean Chretien at the time, stated in
14 public that based on these figures there was 3,500,000.
15 I was out by 500,000.

16 MR. MARTEL: Okay. Now, what worries me,
17 if the figures presented --

18 MR. DANIELS: Of everybody identified.

19 MR. MARTEL: Right. And this study
20 indicates, I think Ms. Misek's work indicates about
21 186,000 presently in Ontario.

22 MS. MISEK: Why the difference? I can --

23 MR. MARTEL: Now, percentage wise that
24 makes the rest of Canada having a lot more Metis than
25 Ontario, and that shouldn't be the case; should it?

1 MS. MISEK: No.

2 MR. MARTEL: Percentage wise.

3 MS. MISEK: We're looking at various --
4 in working paper No. 1 I do discuss at some length the
5 reason for the range in estimates, and part of the
6 reason for the range in estimates has to do with the
7 purpose of the study and also who the group that's
8 doing the study is trying to target.

9 A Professor by the name of Taylor did a
10 study in the 1980s and he was able to identify that
11 there are primarily three different groups of the Metis
12 and non-status Indian population that various agencies
13 have tried to capture over time, and these groups are
14 what's called the global population.

15 In some instances this has been estimated
16 to be as high as 15 per cent of the total population,
17 and these people are defined as being people of
18 aboriginal ancestry, whether they know it or not, okay.

19 Then there is what's called -- there's
20 also a subset of that called the non-self-identifying
21 non-core, and they've been estimated at approximately
22 900,000 in Ontario, and those are people who are
23 marginally aware of their aboriginal ancestry but not
24 necessarily doing anything actively about it. Okay.

25 From there we go to the non-core

1 self-identifying groups, and that group generally tends
2 to be aware of its aboriginal ancestry and oscillates
3 back and forth between what's called the core
4 self-identifying and the non-core self-identifying,
5 depending on kinship patterns, economic climate and so
6 on.

7 And then we get to the core
8 self-identifying group, and those are the ones that are
9 typically characterized in the working paper No. 3 as
10 being disadvantaged in terms of education and
11 employment and income and so on.

12 So the estimates that we have produced in
13 working papers 1, 2 and 4 purport to estimate the core
14 self-identifying as well as perhaps some of the
15 non-core self-identifying, but we have not, at this
16 point, made an attempt to do the global population of
17 the Metis and non-status Indians in Ontario.

18 MR. MARTEL: So the figure we're working
19 with then is the figure in your study?

20 MS. MISEK: That's correct.

21 MR. MARTEL: For all basic assumptions is
22 the one --

23 MS. MISEK: Yes, yes.

24 MR. MARTEL: Okay.

25 MR. IRWIN: Shall I go to paper 3 now?

1 MR. MARTEL: Yes, please.

2 MR. IRWIN: Q. Paper 3.

3 Now, in paper No. 3 I see you use several
4 sources; the census, government documents, independent
5 studies, and a study done in 1985 by OMAA, a survey
6 done which I think was Appendix A in --

7 MS. MISEK: A. I'm not sure what the
8 appendix number is. Appendix 1 believe.

9 Q. It's Appendix 1. Of what? Paper
10 number --

11 A. Three.

12 Q. And you have three sections in here.
13 Demographic characteristics, socio-economical
14 characteristics and political.

15 I want to expand on that a bit. What do
16 you mean by demographic characteristics?

17 A. The demographic characteristics are
18 presented on page 4 to, I believe, 9 and they
19 essentially describe the age, sex, marital habits,
20 number of children, family size and so on of the
21 population that we've estimated in working papers 1, 2
22 and 4. And essentially they show that, you know, the
23 bulk of the population is either married, single or
24 common-law in terms of marital status. That family
25 size ranges from zero to 17 of the response to the 1985

1 survey. That the family size of Metis and non-status
2 Indians is approximately 3.4 to 3.5 children per
3 family. That in most cases you do have a two parent
4 family.

5 Q. I'm just looking for an overview
6 before you get into the detail.

7 Now what do you mean by socio-economic
8 characteristics?

9 A. Socio-economic characteristics take
10 into consideration employment, education and income
11 levels in this population.

12 Q. And you say political views. I
13 thought this was a political perception. Not
14 necessarily what party they belong to.

15 Political views. How would you define
16 that?

17 A. Well political perceptions, the 1985
18 study did ask several questions on the Indian Act,
19 constitutional issues and areas where OMAA could expand
20 its involvement with the population, and the views or
21 perceptions or opinions of the respondents were
22 captured in this paper.

23 Q. Now before you get to migration,
24 which is the nuts -- when you start getting into the
25 nuts and bolts, you have pages 2 to 9 which has a

1 considerable amount of background material and support
2 material.

3 Can you extract, for the purpose of this
4 committee, what you think is important from pages 2 to
5 9 before we start in on migration?

6 A. Okay. By and large most of the adult
7 population is or was married. The average number of
8 children per familiar of the off reserve population is
9 about 3.4. Generally, those who were married have
10 larger families than single parents. There's a higher
11 proportion of female single parent families off reserve
12 relative to the on reserve population. However, the
13 opposite is true for male lone parent to families.

14 Both the census and the OMAA survey
15 indicate that over half of the native population reside
16 in small communities of less than 5,000.

17 The residency patterns of the off reserve
18 population indicate that there's still a fair amount of
19 movement within that population and that gets into
20 migration.

21 So essentially pages 2 to 9 just
22 describes children and marriage population.

23 Q. So page 10, if you start off with
24 migration, you say there's very little -- your findings
25 show there was very little international migration but

1 a great deal of intraprovincial migration. What do you
2 mean by intraprovincial?

3 A. Movement from community to community
4 and in particular the movement that is most studied and
5 that the native research is the movement from reserve
6 to off reserve.

7 Q. And you quote from Nicholson saying
8 that there are three reasons, employment opportunities,
9 education, marriage. Do you agree with Nicholson?

10 A. Yes.

11 Q. Do you agree with him favorably?

12 A. Yes.

13 Q. So those would be three important
14 reasons.

15 Now, on page 11, when you were studying
16 reserve rural urban migration back to reserve. Many of
17 the reasons that you found it would appear from moving
18 off would be any reason that you'd find the family for
19 someone leaving. Employment, education, escape, city
20 life, economic or personal dependence.

21 The reasons for coming back, I thought,
22 might have some significance. Economics, pride
23 awareness, a commitment to the reserve, difficulty
24 adapting in urban life, values, housing and economics.

25 Do you have any reflections on these? Do

1 you find any significance in these reasons?

2 A. Well, I think the reasons are
3 certainly valid.

4 The status Indian population has always
5 reflected what's called hypermobility. They move back
6 and forth depending on these reasons. Essentially the
7 economic or the cultural climate surrounding any
8 particular home environment.

9 Some of these reasons I think also apply
10 to the Metis and non-status Indian population moving
11 between rural communities and urban areas in search of
12 either employment or education and so on. And the
13 differences in whether they're going to or from are
14 simply presented on pages 11 and 12.

15 Q. I'd like to move now to page 14,
16 education and achievement, and you attempted to show
17 the difference in education achievement from 1981 to
18 1986, and you indicate somewhere, you use the words,
19 'There's been a significant improvement in those five
20 years.'

21 I looked at the women from post
22 secondary, some post secondary which was 24 -- the
23 figure 24 and 81 to the figure 32 in '86 which was a 25
24 per cent increase and similarly to university degrees
25 which was 4 in '81 to the figure 5 in '86 which was 25

1 per cent.

2 Do you think that this study is across
3 the board? Do you find that that is happening with
4 natives in general?

5 A. Generally we viewed the census to be,
6 if not an actual count, certainly a representative
7 sample of the off reserve and on reserve aboriginal
8 populations, and it would be my opinion that it's a
9 fairly accurate sampling of what has happened.

10 Please keep in mind, however, that some
11 post secondary may include a year or two weeks of
12 college, university, trade school, institutes that
13 is -- correspondence courses and so on. So it doesn't
14 necessarily indicate completion of any post secondary
15 course or certificate.

16 Q. But the university degree is a
17 completion?

18 A. That's correct, yes.

19 Q. And that's up 25 per cent.

20 Do you attribute this to any particular
21 reasons? Any particular movement? Any particular
22 perceptions that are changing?

23 A. Well it's difficult to suggest that
24 there is, you know, was a massive drive towards
25 universities between 1981 and '86.

1 Some of the change in statistics could
2 also be attributable to sampling problems between the
3 two census years, 1981 due to much less accurate job of
4 enumerating that population, and may have missed some
5 people, which could account for the increase to 1986,
6 or there may be more people who've gone to university
7 between those periods. I don't know.

8 Q. Now I want to skip 15, but on 16 this
9 figure bothers me -- not 16 -- yes, 16. That in high
10 schools the dropout of status Indians is double all
11 Ontario students.

12 A. Yes, a study was done in 1984 by the
13 Provincial Secretariat for Resource Development, and it
14 indicated that secondary school retention rates for
15 status Indian students were only about half that of all
16 Ontario students, and they further hypothesized that
17 the status Indian retention rates could be extended to
18 the Metis and non-status Indian population, and reasons
19 given for natives leaving school early were perhaps
20 greater pressure to get a job and help support the
21 family, lower or lack of any evidence that in the home
22 community that a higher education pays off in terms of
23 employment, and also the problem of insensitive or
24 inappropriate curricula in the education system for
25 these students.

1 Q. Now, turning to employment in the
2 labor force, you have a chart on page 17, and you give
3 an overview on pages 18, 19 and 20 of your report.
4 What conclusions did you reach in this particular
5 section?

6 A. Okay. The labor force participation
7 rate of the native population was 57.2 per cent in
8 1981. That has increased apparently to 68.4 per cent
9 in the 1986 census. Also the unemployment rate has
10 gone from 13.4 per cent in 1981 to 14.1 per cent in
11 1986.

12 Q. That's of those participating, is
13 that correct?

14 A. This is expressed as a percentage of
15 the population 15 years of age and older who are in the
16 labor force.

17 Q. Who are in the labor force?

18 A. That's the percentage related to
19 unemployment.

20 Q. If they're not in the labor force in
21 the first instance they're not part of that final
22 figure?

23 A. That's right.

24 Q. Now in columns 2 and 3 on page 17,
25 the OMAA survey and a study done by the Ministry of

1 Citizenship and Recreation, provincial government in
2 '78, '79, indicate much higher unemployment rates.
3 However, their targets were more or less oriented
4 toward northern and central Ontario and that may
5 explain somewhat higher unemployment rates.

6 The participation rates for women tend to
7 be much lower than -- for native women tend to be much
8 lower than for non-native women and this may be
9 attributed to the traditional tendency for women to be
10 responsible for the family and that in turn may make
11 them unable or unwilling to enter the wage economy.

12 Of those who were employed in 1985,
13 according to the OMAA survey, over half were seasonally
14 employed. Most of those who were employed held
15 clerical service, transportation, equipment operating
16 and social services positions and positions as laborers
17 in construction and unspecified industries.

18 Unemployment is highest among those
19 lacking in education. Any unemployment levels drop as
20 the higher education levels are obtained and that's
21 shown in the top table on page 19.

22 The MNSI, the Metis and non-status Indian
23 population generally have an advantage over the status
24 Indians and men generally have higher employment levels
25 than women regardless of education level.

1 The census shows that employment
2 concentrations tend to be in the same fields as the
3 OMAA survey in 1985. They have also shown that
4 employment within the native population tends to be
5 irregular or periodic with long periods of time of
6 unemployment in between and that this seasonality and
7 irregularity contribute to long-term dependency on
8 social assistance, which makes natives unattractive to
9 potential employers since they lack both education and
10 valuable work experience.

11 Then this is particularly true with the
12 female native population who suffer from two
13 disadvantages. That they are women and that they are
14 native.

15 Q. Okay, without going into detail
16 dollar by dollar, I think your overview is an accurate
17 reflection of that and if we were to pursue the dollar
18 values on cross-examination I'll leave it to that.

19 I want to move to housing on page 23.
20 Your report indicates that there is more people --

21 A. Do you want me to --

22 Q. -- per room?

23 A. Yes.

24 Q. Poorer quality?

25 A. Yes. Poorer quality homes,

1 overcrowding, generally lacking in facilities such as
2 bathrooms and central heating.

3 The overcrowding situation tends to be
4 worse in northern Ontario than in southern Ontario.
5 There are also fewer Metis and non-status Indian
6 households with sewers and electricity and running
7 water than there are non-native households.

8 The table on page 24, generally it shows
9 native households are worse off in terms of these
10 characteristics and that they are higher in need of
11 minor and major repairs than non-native households.

12 And the households in urban areas are
13 generally better off than households in rural areas,
14 and when you relate that back to the population
15 distribution and statistics which indicate that over
16 half of the native population lives in rural areas,
17 that gives you an accurate depiction of the housing
18 conditions in those areas.

19 Q. Now earlier today I quoted from an
20 article where it would appear that the federal
21 government does not want two judicial systems.

22 But looking at natives in the law,
23 starting at 25, is that not what we in fact have? Two
24 judicial systems?

25 MADAM CHAIR: Excuse me, Mr. Irwin you

1 said that you quoted from an article?

2 MR. IRWIN: A newspaper article that I
3 left there that says:

4 "I think it would be foolish to try and
5 invent new systems for native people."
6 I quoted from that earlier today.

7 MADAM CHAIR: All right.

8 MR. IRWIN: Q. First of all, let's deal
9 with bail. From your study, what are the chances of an
10 Indian Native getting bail compared to a non-native?

11 MS. MISEK: A. Well, we can go through
12 the whole thing. Essentially --

13 Q. I want to start with bail because
14 that's the first time you get there and end with
15 incarceration. Your bail is on page 26.

16 A. Well, non-native admissions were
17 twice as likely to be released on bail as native
18 admissions, and non-native admissions were also more
19 likely to be released on parole than native admissions.

20 Q. Okay. So coming out of the system
21 and going into the system the ratio is almost 2:1
22 against you?

23 A. Yes, they're disadvantaged by that
24 factor.

25 Q. Okay. Now, let me look at inmates at

1 the start of your study there. And you indicate that
2 25 per cent nationally in 1985 the inmates were native;
3 is that correct -- 22 per cent?

4 A. 22 per cent of the inmate population
5 across Canada was native as of June 30th, 1985.

6 Q. Now, I don't want to break it down by
7 area, which I see you did. Ontario?

8 A. Native inmates in Ontario provincial
9 prisons are 10 per cent of the total number of inmates.

10 Q. Okay. So it's lower in Ontario
11 than --

12 A. Yes.

13 Q. Substantially lower in Ontario.

14 A. Yes.

15 Q. Now, most of these are what we call
16 minor offences, offences under two years; is that
17 correct, from your study?

18 A. That's correct.

19 Q. The less serious offences?

20 A. They're offences, usually liquor
21 related offences against property or, in some cases,
22 against other people.

23 Q. Okay. Did you do any estimates on
24 the more serious offences in federal prisons?

25 A. We only did an estimate of how many

1 there were. Incarceration in federal prisons wasn't as
2 common. In Ontario in 1981 there were 94 males and 17
3 females, and 128 males and 15 females in 1986 in
4 federal institutions.

5 Q. Now, on page 27 your study shows --
6 or your findings show that 75 per cent of the offences
7 were alcohol related; correct?

8 A. Yes.

9 Q. And this I feel a significant, 70 per
10 cent of the people surveyed did not feel that alcohol
11 treatment programs were effective.

12 A. 70 per cent of inmates had never
13 taken part in an alcohol treatment program and many of
14 the native inmates, we don't have an actual percentage,
15 felt that few of the alcohol treatment programs were
16 effective in treating the problem.

17 Q. Okay. So 70 per cent had never taken
18 part and the rest was a unnumbered perception?

19 A. Yes.

20 Q. Okay. Why was that? Why was this
21 perception prevalent?

22 A. Well, it would appear that they
23 didn't view the non-native cure for the problem as
24 being an effective cure, and I also believe that in one
25 of these studies they indicated that the isolation from

1 their family was more often contributing to the problem
2 of alcohol dependency than anything else.

3 A lot of natives would have preferred to
4 do restitution work in the community to make up for
5 their crimes as opposed to being incarcerated.

6 Q. Okay. On 28 on aboriginal
7 languages --

8 MADAM CHAIR: Excuse me, Mr. Irwin. The
9 Board would just bring to the attention of OMAA that we
10 have received as written evidence Allan Grant's report
11 on the justice system that was finished last year, and
12 that evidence has been brought by NAN, and we just
13 direct your attention to that evidence which addresses
14 some of the issues in your evidence and updates some of
15 that material.

16 MR. IRWIN: Madam Chair, is the evidence
17 similar or should we look to that report?

18 MADAM CHAIR: I'm saying that it hasn't
19 been cross-examined yet.

20 MR. IRWIN: Okay.

21 MADAM CHAIR: But the Board has reviewed
22 it carefully and the issues that are discussed in that
23 report are very much what you have talked about in here
24 and some of the information is updated.

25 MR. IRWIN: Q. Okay. On aboriginal

1 language at page 28, in 1985 you show that 28.8 per
2 cent of the males spoke one aboriginal language, 32 per
3 cent of the females, and down below 2 per cent for both
4 male and female, 1.3 per cent and 1.6 per cent
5 respectively spoke more than one aboriginal language.

6 And you have also done some study on
7 retention that shows up at page 30 and 31 and retention
8 on reserve, off-reserve and retention in isolated
9 communities. I would like to have your observations on
10 that.

11 MS. MISEK: A. Okay. Essentially across
12 Canada the Inuit and status Indian population show the
13 highest propensity to identify an aboriginal language.

14 The table on page 30 indicates that, by
15 age, the mother tongue and home language users of an
16 aboriginal language, that the younger age groups do not
17 identify in aboriginal language as their mother tongue
18 as much as the older age groups. Similarly, the
19 younger age groups do not identify an aboriginal
20 language as a home language as much as the older age
21 groups. That indicates that the language is losing its
22 strength as a cultural factor.

23 The table also shows that Ontario is well
24 below the Canadian average for aboriginal language
25 retention and use. The tendency for aboriginal mother

1 tongue speakers to use another language on a regular
2 basis has negative effects on the language maintenance
3 over time, into the next generation.

4 On page 31 we show that in isolated
5 communities language retention is much stronger than in
6 non-isolated communities and this is given by example
7 where the reserves appear to be able to retain the
8 language much more than the off-reserve community.

9 So, essentially, where the population
10 lacks interaction with other people, the language does
11 lose its sustainability over time.

12 Q. Okay. At page 33 on your
13 questionnaire on aboriginal and spiritual values,
14 you've made a finding which I thought was important, 70
15 per cent thought that aboriginal and spiritual values
16 played an important part in their lives. So there
17 still is a -- percentages are very high as far as
18 aboriginal and spiritual values.

19 A. Yes. That's based on the 1985 OMAA
20 survey.

21 Q. Now, on page 34 on aboriginal
22 culture, going into 35, there's almost two pages of
23 proposals that have been, I gather, discussed or
24 formulated on the means of preserving social
25 organizations, economic organizations, arts and media,

1 political organizations and spiritual values and
2 beliefs.

3 I don't want to go -- I don't think
4 within the time frame I want to take them individually.
5 They are there, they have been discussed and they have
6 been laid out in about 20 or 30 points; is that
7 correct?

8 A. Yes. They're proposals put forth as
9 a means of preserving the aboriginal culture.

10 Q. Okay. Now, on page 36 on your
11 questionnaire the question was:

12 "I wish to be reinstated as an Indian
13 under the Indian Act."

14 And 62 per cent -- 62.4 per cent of those
15 people that you canvassed indicated yes. Why?

16 A. Based on our work under Bill C-31,
17 that's after this questionnaire came out, essentially
18 we found that many people were interested in being
19 reinstated under the Indian Act for the purpose of
20 acquiring health and other benefits attributable to the
21 status Indian population.

22 For example, drug coverage, medical
23 coverage, glasses coverage, dental coverage, tax
24 exemptions and so on, that was a fairly major driving
25 force to get this status Indian card.

1 Q. And at page 37, the middle question:

2 "I would move back to reserve."

3 Only 40 per cent responded yes.

4 A. Actually only 19.2 per cent
5 responded.

6 Q. Oh, pardon me, I'm sorry. 19.2 per
7 cent responded yes and 40.1 per cent responded no.

8 A. Well, this indicates that in our
9 opinion that many of the respondents have established
10 themselves off reserves in their own communities and
11 probably wish to continue their current lifestyles.

12 It's been our position that just because
13 someone gets their status card doesn't mean that they
14 make a cultural switch to being a status Indian, many
15 of these people were Metis and non-status and view the
16 opportunity to get a status card as that of receiving
17 these tangible benefits that I was just discussing.

18 Q. I'm not going to go to the other
19 questions because most of them, the answers are
20 self-evident, it's just a reinforcement on aboriginal
21 self-identification and so on.

22 On the questions on constitutional issues
23 there's a confusion, but I suggest to you that there's
24 no more confusion with the natives than there is with
25 the non-natives as what the Constitution means or what

1 it does.

2 Did you see any significance between
3 native and non-native?

4 A. No, our position was that there was a
5 high not sure response to every question dealing with
6 the Constitution that indicates that respondents
7 generally have a poor knowledge of the subject area and
8 that this observation is reinforced by the high
9 positive response to the last question which asks,
10 would they like more information on the Constitution.
11 92.2 per cent said yes. So it would be our position
12 that there's a lack of information on that subject area
13 among the population.

14 Q. Your summary at 46 and 47 and 48 made
15 the points that you've already covered. Do you want to
16 take a look at that and see if there's anything you
17 would like to put in as evidence that hasn't already
18 been covered in your main evidence?

19 A. I might like to reinforce the fact
20 that most of those who are employed hold seasonal or
21 irregular positions in the areas of construction,
22 processing, servicing for men; servicing, clerical,
23 managerial, technical and sales for women.

24 Seasonality and irregularity of work
25 coupled with long-term dependency on social assistance

1 between jobs makes native people unattractive to
2 employers and native woman are particularly
3 disadvantaged in the labour market as they suffer from
4 two forms of discrimination, and those are racial and
5 sexual.

6 As far as income goes, Ontario natives
7 generally earn up to 80 per cent less than non-natives.
8 Natives residing in rural earn less than their urban
9 counterparts both male and female and since over half
10 of the native population live in -- the off-reserve
11 native population live in rural areas, the lower levels
12 of income of 5- to \$6,000 for women and \$8.5- to
13 \$12,000 for men - those are 1980 dollars - are
14 indicative of what the majority of the natives were
15 earning at that point.

16 I have a bit of an update on that from
17 1986 but only by the status Indian on-reserve, status
18 Indian off-reserve split, and the figures for that are:
19 on-reserve, the status Indian average income in 1986
20 dollars is \$10,100 and the status Indian off-reserve
21 are earning \$12,400. So they are still fairly low.

22 Aside from that, I believe the rest of
23 the points have been discussed within the evidence
24 already.

25 MR. IRWIN: Okay. Thank you for coming,

1 and thank you for coming last week.

2 MS. MISEK: Yes.

3 MR. IRWIN: Thank you.

4 MADAM CHAIR: Thank you.

5 Mr. Freidin?

6 MR. FREIDIN: Yes.

7 MADAM CHAIR: You will be the only one
8 cross-examining, and before you begin, could we ask the
9 witnesses, as a point of clarification, whether the
10 terms and conditions that remain in draft form that
11 were submitted to the Board by OMAA in November of 1990
12 remain the objectives of OMAA with respect to any
13 possible negotiation of terms and conditions should the
14 application before this Board be approved?

15 I might remind the OMAA panel that
16 several years ago the Board ordered all the parties at
17 the hearing, including OMAA, to put down on paper what
18 they would want to see from the viewpoint of their
19 clients should this application be approved.

20 We thought at that point it might cut
21 down on some presentation of evidence and
22 cross-examination time. That hasn't proven to be the
23 case, because negotiations continue and we have no
24 knowledge of what is going on with the negotiations.
25 We will receive a report on that in the future.

1 But we have before us as evidence
2 essentially three conditions that OMAA identified as
3 being their draft terms and conditions and the Board
4 would like to know, before Mr. Freidin begins his
5 cross-examination, if this is still your position.

6 MR. WETELAINEN: Yes.

7 MADAM CHAIR: All right, fine. Go ahead,
8 Mr. Freidin.

9 CROSS-EXAMINATION BY MR. FREIDIN:

10 Q. On direct, the first number of
11 questions to you, Ms. Issac (sic). Some of the
12 questions may be questions that other panel members
13 should answer and if you want to pass them off to them
14 that's fine. If any of the other panel members feel
15 that I'm asking a question in an area that they feel
16 that they can be of assistance, then please don't
17 hesitate to say something.

18 Now, you were talking about these four
19 different groups, if I can call them, Ms. Issac.

20 MS. MISEK: A. Misek.

21 Q. Pardon? Misek?

22 A. Yes.

23 Q. I'm sorry.

24 The global population, when you're
25 talking about Metis population, non self-identifying

1 non-core, non-core self-identifying and core
2 self-identifying. Did I get the right --

3 A. Yes, you did.

4 Q. -- four groups?

5 A. That's fine.

6 Q. And am I correct that just because
7 you fall within one of those particular groups for the
8 purposes of doing population estimates, that that does
9 not mean that you are or are not a member of OMAA?

10 A. I'm sorry. Just because you do or do
11 not fall within one of those four groups.

12 Q. If you do. Let's say you fall into
13 the non-core self-identifying?

14 A. Yes.

15 Q. That doesn't really assist one in
16 making a determination as to whether that person is a
17 member of OMAA?

18 A. Well, I can't really speak about the
19 actual membership of OMAA. My task was to try to
20 identify at least a portion, and the portion we were
21 trying to identify was definitely the core
22 self-identifying group, and it's our opinion that we
23 also captured some of the non-core self-identifying
24 group in the population estimate. That is their
25 constituency. Membership I would have to defer to one

1 of the other panel members.

2 Q. All right.

3 Now you've used the word "constituency"
4 and then you've used the word "membership" and I'll
5 tell you where I'm going.

6 Right at the very beginning, Mr. Bjornaa
7 you said, 'That the door is open. OMAA's door is open
8 for all off reserve aboriginal people,' and I take it
9 when you made that comment you were saying that any of
10 those off reserve aboriginal people who wish to become
11 members of OMAA may do so. Is that correct?

12 MR. BJORNAA: A. Yes, I did state that
13 this morning and I stated furthermore there's lots of
14 areas people has phoned us and asked us to provide a
15 service for them even though they haven't had locals
16 formed in some of those areas. But they have asked us
17 to perform services for them and we do provide all
18 kinds of services for them.

19 Q. I understand that.

20 A. And we do the same, I said, for a lot
21 of non-natives.

22 Q. So there are a number of off reserve
23 native people who are not members of OMAA, is that
24 correct?

25 A. I wouldn't go as far as to say that.

1 Like I stated, we have a lot of non-natives that come
2 to us to provide a service for them and I still feel
3 they're part of us in one way or the other.

4 Q. I understand that, but let's use
5 another example.

6 There are 900,000 non self-identifying
7 non-core aboriginal people in Ontario. That's Ms.
8 Misek's evidence.

9 MS. MISEK: A. Yes.

10 Q. Could you describe for me generally
11 the characteristics of that particular group? The non
12 self-identifying non-core group?

13 A. They tend to be at least marginally
14 aware of their native ancestry and they do tend to
15 function as part of a non-native.

16 If I might paraphrase what Mr. Bjornaa is
17 saying, is that in order to benefit from a service
18 delivered by OMAA you need to be a member.

19 Q. All right. I know you don't have to
20 be member, all right? Thank you for that.

21 Let me go back to Mr. Bjornaa. Of those
22 900,000 people - I won't use the word membership -
23 would you agree with me that OMAA cannot say with
24 assuredness that the views that OMAA advocates would be
25 agreed to by those 900,000 people?

1 MR. BJORNAA: A. I can't speak for -- I
2 can only speak for Ontario here.

3 Q. I only want you to speak for Ontario.

4 MS. MISEK: A. The 900,000 is not our
5 estimate. The 900,000 is a documented estimate from a
6 paper done by a Professor Taylor.

7 Q. That's okay, but what I'm saying is
8 Mr. Martel asked some questions earlier and this line
9 of questioning I think is going towards the thing that
10 was driving his question. He asked whether there are
11 Metis people in this province who perhaps don't have an
12 attachment to the land. I mean they live in Toronto or
13 they live in Kitchener. Exactly what is their interest
14 in the land, and what I am suggesting to you is that -
15 and I just want to see whether you can agree to this
16 proposition - that there are native people who live off
17 of reserve in this province who have nothing to do with
18 OMAA, probably don't even know in some cases that OMAA
19 exists, and therefore would not say to this Board that
20 what OMAA says I agree with.

21 MR. DANIELS: A. No more so than the
22 population who can -- does not hold the views of
23 Liberal party, if they're in power, or the PC party if
24 they're in now or the NDP party if they're in power.

25 The principles are thus. If we are

1 fighting for land, culture, education, all our rights,
2 the principle remains the same, that we are fighting
3 for the rights of all of those people. They do not
4 necessarily have to be a card carrying member. They do
5 not necessarily have to be a -- subscribe to everything
6 that the organization does any more than any government
7 in this country.

8 MR. MARTEL: Mr. Freidin, can you hang on
9 there for a moment because I want to get this clear.

10 It was a question I asked originally.
11 What are we talking about? We're talking of 900,000
12 people as a non-core group, or non-identifying, or if
13 OMAA is talking, and I believe it was agreement we were
14 talking about the 190, 2,000 people, therefore I'm not
15 sure why we are getting into the 900,000 because I
16 specifically wanted to know what OMAA was taking as the
17 people it made up. Its constituency if I can use that
18 term.

19 MS. MISEK: That was the intent of these
20 papers was to define the core self-identifying part of
21 the non-core self-identifying. Who would be the group
22 most likely in need of the types of things that OMAA
23 would be involved with.

24 MR. MARTEL: Let's stop there then
25 because what you're saying is that every OMAA member

1 then -- could you define needs help then for me because
2 that throws a --

3 MS. MISEK: The core self-identifying
4 group is characterized by demographic and
5 socio-economic characteristics such as high fertility
6 and mortality, high unemployment, low educational
7 attainment, low labor force participation. This is the
8 group of which governments and native organizations are
9 most concerned.

10 With the non-core self-identifying group
11 consisting mainly of those who are aware of their
12 native heritage but operate mainly in the non-native
13 society or live in isolated communities, and there is
14 some suspicion that this group migrates between the
15 core self-identifying group and the non-core, depending
16 on economic climate. In other words if they need help
17 or if they show the characteristics of the core
18 self-identifying group or if they politically espouse
19 views or whatever makes up a constituency. Those are
20 the ones that we are trying to capture in this
21 particular paper.

22 Perhaps I was mistaken by suggesting that
23 they all need help. We're talking about averages
24 here. Where these types of characteristics on average
25 describe the population.

1 MR. FREIDIN: Q. Now, Mr. Daniels, I
2 understand what you're saying, you correct me if I'm
3 wrong, that OMAA is, in fact, if I can say, it's
4 fighting for or seeking an improvement for all of these
5 off reserve -- all of the off reserve native people,
6 and you want them to benefit by whatever you are able
7 to achieve, is that correct?

8 MR. DANIELS: A. Correct.

9 Q. You have indicated that one of the
10 things that you would like achieve is economic
11 benefits, a bigger piece of the pie, if I might use
12 that phrase, from forestry, amongst other things? You
13 want to achieve those benefits for all these people?

14 A. Well, if included in the benefits is
15 that you take it back that we're part of the process
16 whereby those benefits are derived, yes.

17 Q. Now you have --

18 A. That's talking about control and
19 management and things like that.

20 Q. You have put forward terms and
21 conditions on behalf of OMAA which set out, in some
22 cases, fairly specific means by which you want to
23 achieve those benefits.

24 For instance, you advocate the specific
25 means of having in every administrative district of the

1 Ministry of Natural Resources 25 per cent of all the
2 land designated for timber harvesting should be
3 allocated for the exclusive use of Aboriginal peoples.

4 Now I suggest to you that you do not or
5 you cannot say to this Board that that specific means
6 of achieving your end has been agreed to by all off
7 reserve native people?

8 MR. WETELAINEN: A. I think we'll say
9 yes, that's probably it. We probably went too low to
10 start with. That's probably not enough for the
11 resources. We were being generous.

12 MADAM CHAIR: Excuse me, Mr. Freidin,
13 just one question for the Board to clarify.

14 The first sentence in your written terms
15 and condition and one that appears in your witness
16 statement as well is, "That OMAA is an umbrella
17 organization representing 200,000 Indian
18 and Metis people living in 110 off
19 reserve aboriginal communities across
20 Ontario."

21 The Board has, for three years now, been
22 assuming that that is your immediate constituency. The
23 fact that there might be political and other benefits
24 flowing from the work of OMAA isn't particularly before
25 the Board right now.

1 What we are trying to do is understand
2 what you want from timber management and Mr. Freidin
3 seems to be exploring that with you and I think the
4 concern he's raising is whether we can stand by your
5 statement that you are representing today before this
6 hearing 200,000 members, no matter how large the
7 potential size of your community beyond the membership.

8 MR. FREIDIN: That's the point that I'm
9 trying to get at exactly.

10 MADAM CHAIR: In the same way that - and
11 I don't mean to compare you to any other association -
12 but in the same way that an association would say we
13 have X number of members, they aren't every industry or
14 every community that exists in that area but that's the
15 size of our membership.

16 MR. DANIELS: With respect, Madam Chair,
17 these people that you talk about, other groups like the
18 Lions I think you're referring to we have members --
19 they're selling memberships for a specific purpose,
20 specific interest groups, special interest groups.
21 That they want to do things in the community.

22 We're talking a population here that has
23 been denied access to the whole system. There's no
24 clear way, especially for the Metis people.

25 Now you talk about the census. Let me

1 just draw some analogies here if I may.

2 In 1979 I sat as president for two years
3 with the people planning the '81 census. I think it
4 was the '81 census or '82.

5 MS. MISEK: '81.

6 MR. DANIELS: We gave them clear
7 questions on how, if you really wanted our people
8 there, to ask us the proper questions. They came out
9 so convoluted, so ambiguous, that even they didn't
10 understand them. So when the census came out our
11 people couldn't answer the questions. They couldn't
12 answer the questions. Like even one was what country
13 did your parents come from if you're an Indian?

14 Now if you start talking about
15 populations and getting into a numbers game, we cannot
16 be involved in playing a numbers game, selling
17 memberships and doing this for little hockey clubs and
18 so on and so forth.

19 We are fighting for principles. The
20 principles and rights extend to all those people that
21 are being denied. Now if we're going to get caught up
22 in a numbers game it would take us years to put the
23 mechanics together to go out.

24 Now hopefully, what we are attempting to
25 do, is that by fighting for the rights of our people,

1 those who don't identify, those who identify and those
2 who we've lost for some other reason will come out and
3 support all of this. And we know that they will do
4 that because when we form these organizations back in
5 the 1960's - the contemporary ones which are offshoots
6 of other organizations that were maintained over time -
7 the numbers that we were representing then we only
8 thought there was a few. My God they have escalated
9 and every year the numbers have become more and more
10 and more.

11 MADAM CHAIR: Mr. Daniels, I'll just
12 interrupt to tell you that the Board doesn't play
13 number games, we have enough trouble counting trees,
14 never mind people and anything else. That's not what
15 we make decisions on the basis of.

16 MR. DANIELS: Okay.

17 MADAM CHAIR: I think the issue here is,
18 you have a request and that request is, you want MNR to
19 set aside 25 per cent of timber harvesting areas--

20 MR. DANIELS: Mm-hmm.

21 MADAM CHAIR: --for the exclusive use of
22 aboriginal peoples. Does that include yourself and all
23 status Indians on reserves, does that include just OMAA
24 for OMAA's purpose? However you should define what
25 those purposes should be and no matter who it will

1 benefit, it's just for OMAA's purpose?

2 MR. WETELAINEN: In our deliberations
3 within our association, that's the number that we came
4 up with that we would need to correct those social
5 injustices that have been taking place and plagued our
6 membership throughout all of the -- well, everything we
7 went through, our population, the prisons, our income
8 levels.

9 We took these calculations, we need a
10 resource to correct those types of things. We had
11 traditional use of that resource, we used all of it.
12 We are sharing, and same as the Sparrow case has said,
13 is that there may be other natives groups that are
14 going to use the other resource, I think NAN has said
15 they want so much, status people have said, from Treaty
16 3, want so much, the same as the salmon passing through
17 the river, we know we have to share that resource.

18 Our people, our population, we live
19 around reserves, we know what kind of resource base we
20 need, we know what status people have used in that area
21 traditionally and those are numbers we felt we could
22 live with.

23 MS. MISEK: If I could just add that
24 population estimates and projections, the science
25 behind them, is not necessarily to come up with the

1 right actual number but to give organizations a basis
2 upon which to plan and organize.

3 There has to be some estimate to work
4 from, otherwise we come here without any evidence of a
5 number or a range and, you know, the first question
6 comes along: Well, how many, or who is it that you
7 represent, do you have some sort of a portrait of who
8 you are representing.

9 So, you know, not to let this get out of
10 proportion, this is meant as background material and
11 not to interfere with the actual, you know, meat of the
12 discussions here today.

13 MR. FREIDIN: All right.

14 MADAM CHAIR: Certainly. I would just
15 reassure Ms. Misek that these problems of body counts
16 are not unique to OMAA's situation, we have gone
17 through this with the evidence of Grand Council Treaty
18 No. 3 and we will go through it with NAN and certainly
19 this isn't a problem that you have as uniquely your
20 own, it comes up over, over again.

21 MR. FREIDIN: Q. Somebody on the panel
22 used the word that your immediate constituency is about
23 200,000.

24 MR. WETELAINEN: A. I think that's what
25 she read as OMAA's statement, Madam Chair, hopefully.

1 Q. All right. That 200,000 figure, am I
2 correct that that -- am I correct that that 200,000
3 figure, that estimate, comes from the work of Ms.
4 Misek?

5 A. Yes.

6 Q. This is the one --

7 MS. MISEK: A. It's rounded. I mean, we
8 are looking at a range.

9 Q. I know. I'm just talking ballpark.

10 A. Okay.

11 Q. And you obtained that by coming up
12 with your estimate which you got on page 4 of your
13 report No. 4 of 121,945 for the base year?

14 A. Yes.

15 Q. And then increased that through some
16 formula up to around 200,000?

17 A. Increased that to 146,600 for the
18 base year and adding on the off-reserve status and
19 Inuit and projected it into the cohort survival model
20 projection to the year 1991 to achieve a population
21 mid-range of approximately 175.

22 Q. And did you or anyone on the panel or
23 anyone on behalf of OMAA do any sort of assessment as
24 to the number of those people or any other people who
25 specifically -- can we get back to the numbers again.

1 Can you tell me how many people support
2 your specific terms and conditions? I know OMAA does,
3 and we know OMAA has an executive.

4 A. With all due respect, I think we just
5 explained the basis for these projections and estimates
6 is for the organization to be able to plan and enter
7 into agreements such as that.

8 Q. All right. But for the purposes of
9 this timber management hearing -- I mean, these
10 economic benefits, I suggest to you, can be achieved
11 and there are attempts to achieve them outside this
12 hearing. We've got the Agreement on Aboriginal
13 Economic Development, and I will in a moment go through
14 a number of other things that are going on outside this
15 hearing.

16 Would you agree, Mr. Wetelainen, that
17 things like the Agreement on Aboriginal Economic
18 Development can take place outside this hearing in an
19 attempt to obtain the improvements for off-reserve
20 native people? Just yes or no.

21 MR. IRWIN: Yes or no. I think --

22 MADAM CHAIR: Excuse me, Mr. Irwin. You
23 may give us some explanation of your answer.

24 MR. WETELAINEN: Yes or no. You sign an
25 agreement like that and you eliminate the resource,

1 what good is the agreement. I'm saying that this
2 process, we're here, we're defending a right, is what
3 we're talking about here, an aboriginal right to
4 resource and to manage a resource that's been with us
5 from time past and we have maintained that.

6 It's been taken away from us, so what we
7 are fighting at this hearing for is that aboriginal
8 right. What you are seeing there is procedure, what
9 you're signing there is documents and frameworks that
10 may or may not impact on this hearing, and what we're
11 saying is that we're here to define the constituency
12 that's functioned democratically for a long time,
13 formally the last 20 years throughout an elected
14 structure, a structure that's understandable by
15 corporate law. We have used that to facilitate
16 discussions and build consensus over a number of years
17 around these issues, and I do believe we have the right
18 to speak for that constituency.

19 I think Olaf said, our door is open,
20 anyone can come into those assemblies and voice their
21 opinion, whether they're an active member or not, but
22 we do have a formalized structure how we hold meetings.

23 So, in your answer I have to say maybe,
24 that this here Board here could, in fact, rule in our
25 favour, we are asking for certain things, we think we

1 have been pushed to that extreme. We think the Board
2 has to consider the extremities of the situation. We
3 have been totally shut out of all existing processes to
4 date.

5 MR. MARTEL: Can I ask a question, and
6 forgive my ignorance, but are some of your members -
7 and if I can use the term, just to distinguish wish for
8 a moment - are some of your members deriving some
9 benefits from the white society that they might live on
10 if they're not in the, let's say they're not in a
11 community like Macdiarmid or they're living in, let's
12 say, downtown Thunder Bay or downtown Sudbury or
13 downtown Sault Ste. Marie.

14 I'm just trying to get a feel for -- I go
15 back to the concern I had expressed a while ago about:
16 Were all of the people in need, and I'm not trying to
17 diminish what you're presenting, it's just to get an
18 understanding.

19 MS. MISEK: What do you term benefits?

20 MR. MARTEL: Well, the educational
21 system. I mean, you're talking about education, but
22 I'm sure there must be some students from the Metis
23 association who are going to high school.

24 MR. BJORNAA: You're talking about
25 benefits. Me and my wife go down Queen St. in Sault

1 Ste. Marie, go down any street in Sault Ste. Marie and
2 my wife walks up and says: Can I rent this house or
3 apartment? The minute she walks in they say: Ah, she's
4 an Indian. She don't get that.

5 I can come behind her five minutes later
6 and rent the same house because I don't look native.
7 That's the benefit we get. I mean, that's the
8 benefits. There's no beating around the bush about it,
9 and it's the same thing when you go for jobs, for
10 logging, or anything.

11 MS. MISEK: These statistics are meant to
12 represent the average situation. I do not have them
13 broken out by urban versus rural in terms of education.

14 MR. MARTEL: I'm just using that as an
15 example.

16 MS. MISEK: When I give you an overall
17 employment or labour participation rate that averages
18 out. You know, there may be lesser fortunate groups
19 and the more fortunate groups. I don't argue that, you
20 know, certainly in some areas they're okay and they're
21 functioning well in society and other areas they're
22 functioning worse than the average, you know.

23 You know, there's statistics, there's a
24 distribution and they fall within a range of values and
25 that essentially is something like a census or a

1 survey, gives you a mean or an average situation.

2 So if I can just add one more point.

3 That, you know, if the average comes out looking on the
4 low side then, you know, you've got a definite skew
5 towards that less advantaged end of things.

6 MR. DANIELS: If I could respond to your
7 question in a different way, Mr. Chairman.

8 Yes, we do benefit from society, but we
9 pay for it; we pay taxes, we pay everything. We are
10 not like status Indians, the Metis part of our -- I
11 mean, we don't benefit from virtue of treaty or
12 anything like that, we pay for everything we own and we
13 earn, and we pay taxes like every other Canadian.

14 All we're saying is that there is a
15 residual responsibility of the Crown and of other
16 corporations who are going in to do something that
17 there are unsettled claims that have to be satisfied
18 and our concerns have to be considered in that context.

19 But if we are benefitting from society as
20 Metis people, yes, we do, very much so, but we work
21 hard and pay for everything we get.

22 MR. WETELAINEN: I would just like to add
23 one more human element that. We pay in blood a lot of
24 times. Is that our communities, as those statistics
25 show, there's a high incidence of, when you take a

1 resource base and reallocate it, alcoholism which you
2 find, family violence, breakups, suicides, we have the
3 highest rate of youth suicides in the country.

4 So we're paying hard, we're paying with
5 lives. In the City of Sault Ste. Marie -- or City of
6 Thunder Bay here, they've had suicides. In the north,
7 Nishnawbe-aski, all kinds of them. They're not unknown
8 to our communities. So we're paying yet. Like, when
9 you go out to our communities you see this, you see a
10 benefit.

11 I guess the best way to put it is, a
12 benefit in our community, we watch it being transported
13 away from us, the economic benefit. We see our lands
14 being cut and everything being taken away. We know
15 that there's money being made and it's being
16 transported somewhere else, you know, the timber is
17 being transported from Macdiarmid to the mill in
18 Thunder Bay. The majority of the jobs are here.

19 So the benefit is being taken from our
20 communities, so we are left with all of the problems,
21 we're left with no jobs, we're left with alcoholism,
22 we're left with communities that don't have adequate
23 housing because we don't have a tax base, we don't have
24 a resource base that we can tax that we can put a
25 surtax on those types of benefits, when we lose a

1 resource or our resource is transported out for the
2 good of the country as a whole, we're paying the price,
3 we're the front-line troops paying the price out there.

4 And I guess that's -- when you say, yeah,
5 well it is --

6 MR. MARTEL: I smile because I made a lot
7 of those arguments for years, you know.

8 MR. IRWIN: Good answer.

9 MR. MARTEL: It applies in other
10 jurisdictions, in other areas as well.

11 MR. WETELAINEN: Well, I know that --

12 MR. MARTEL: I know my friend has done
13 the same.

14 MR. WETELAINEN: The difference is that
15 those were our lands, those are -- you know, they were
16 there.

17 MR. FREIDIN: Q. In Panel No. 2 --

18 MADAM CHAIR: Excuse me, Mr. Freidin.
19 Are we going to stay on the same line of questioning,
20 or shall we take a break now?

21 MR. FREIDIN: I just have I think one
22 more series of questions on this particular line.

23 MADAM CHAIR: On this topic.

24 MR. FREIDIN: Yes.

25 MADAM CHAIR: Well, let's finish it, then

1 we'll have the break.

2 MR. FREIDIN: Q. All right. In Panel
3 No. 2 of Grand Council Treaty No. 3's case there was a
4 statement that read as follows:

5 "Off-reserve there are Metis, non-status
6 and status Indians not directly
7 associated with a particular reserve."

8 And went on and suggested that some of
9 these people would, if asked, say that they are first
10 and foremost citizens of Treaty No. 3 First Nations.

11 OMAA asked an interrogatory and you
12 asked:

13 "In what way have these categories of
14 aboriginal peoples...", and we're talking
15 about off-reserve:

16 "...given Grand Council Treaty No. 3 or
17 its member bands a mandate to represent
18 them?"

19 Now, why did you ask the question, why
20 were you interested in that issue?

21 MR. WETELAINEN: A. Because -- do you
22 want a response on that?

23 Q. Yes?

24 A. For the bands to represent those
25 people they must demonstrate a democratic process, they

1 must allow our people back, and whether they just moved
2 back a day and vote in that community.

3 And I think -- how many -- Marge, in your
4 statement, how many bands had presented a band list
5 when Bill C-31, a membership code at the time when it
6 was implemented, was it three that they actually filed
7 a membership code.

8 MS. MISEK: A. Oh, that statistic, it's
9 changed over time.

10 MR. WETELAINEN: A. Yeah.

11 MS. MISEK: A. There was no big rush to
12 do it, that's for sure. The general position among
13 many of the bands in Ontario, this statistic about - I
14 don't have the numbers at hand - was that they did not
15 have the land base or the facilities to accommodate
16 Bill C-31 people trying to return, so a high number of
17 bands were attempting to develop restrictive membership
18 codes.

19 Q. When you say:

20 "In what way do you feel that you, in
21 fact, can have a mandate to represent
22 them...", what do you mean? If they had
23 a mandate to represent them, what does that mean to
24 you? What do those words mean?

25 MR. WETELAINEN: A. If they had a

1 mandate?

2 Q. Yes.

3 A. If they have a BCR, band council
4 resolution.

5 Q. No, but if you have a mandate to
6 represent somebody, what does that give you the power
7 to do?

8 A. Well, I think to me that mandate is
9 given by a democratic process, is my understanding of
10 that. If you are denied democratic process within that
11 organization, how can they represent your interest.

12 MR. DANIELS: A. Mr. Freidin, the band
13 council's jurisdiction extends, in fact, only as far as
14 their reserve boundaries and most -- or at least almost
15 half of the treaty Indians live off reserve and that is
16 almost - in response to your question earlier, sir,
17 when you asked is their relationship lost - the
18 relationship may have been lost, but they still have an
19 interest.

20 When that band goes out to represent
21 them, we represent all these people, we use them as
22 numbers then, that's how the numbers game gets crazy
23 after a while.

24 What they are doing, in fact, they may
25 only half the band living there, the rest may be

1 dispersed in Winnipeg, Toronto and wherever, but
2 they're still protecting the interests of those people,
3 those Indians who are entitled to live but are now
4 living off reserve.

5 Q. Are there other groups other than
6 OMAA that take the position that they represent the
7 interests of off-reserve native people?

8 A. In a political sense?

9 MR. WETELAINEN: A. Not provincially.

10 Q. In any sense.

11 MR. DANIELS: A. No.

12 MR. WETELAINEN: A. No, not
13 provincially.

14 MR. FREIDIN: I think it's a good time
15 for a break.

16 MADAM CHAIR: All right. We will be back
17 in 20 minutes.

18 --- taken at 3:05 p.m.

19 ---On resuming at 3:25 p.m.

20 MADAM CHAIR: Go ahead, Mr. Freidin.

21 MR. FREIDIN: I am holding a copy of a
22 document entitled, " Aboriginal Negotiations
23 Commission," the discussion paper May of 1991, and it's
24 authored by Chris Reid, the author you are familiar
25 with?

1 I would like to make it an exhibit
2 please, Madam Chair.

3 MADAM CHAIR: This will be Exhibit 1922.
4 It consists of 16 pages and it's entitled, "An
5 Aboriginal Negotiations Commission and Negotiations
6 Process for Claims and Proposals by Off Reserve
7 Aboriginal Peoples in Ontario.

8 ---EXHIBIT NO. 1922: Document entitled An Aboriginal
9 Negotiations Commission and
10 Negotiations Process for Claims
and Proposals by Off Reserve
Aboriginal Peoples in Ontario.

11 MR. FREIDIN: Q. This document was
12 prepared on behalf of OMAA by a lawyer who was then
13 acting for OMAA at the time, and I asked the question
14 just before the break about whether there were other
15 groups in Ontario that claim to represent off reserve
16 native people.

17 And in that regard if you could turn to
18 page 12 on Exhibit 1192, and under the heading,
19 "Representatives of OMAA," the section begins, "The
20 chiefs of Ontario OFIFC..." What is that?

21 MR. WETELAINEN: A. Friendship Centres.
22 Ontario Federation of Indian Friendship Centres.

23 Q. "...and ONWA..."?

24 A. Ontario Native Women's Association.

25 Q. "...have disputed OMAA's right to

1 represent all off reserve Indian and
2 Metis people with the negotiations with
3 Ontario and Canada."

4 It goes on and talks about how to perhaps
5 deal with that problem or that concern.

6 MR. IRWIN: For the record, Mr. Reid is
7 no longer with OMAA. I'm not sure if these are his own
8 reflections or reflections of OMAA. Part of the
9 problem that we had with Mr. Reid is that he tended to
10 go off on a tangent so we don't necessarily suggest
11 that these are the positions of OMAA unless we have --

12 MR. WETELAINEN: It was a discussion
13 paper within our organization.

14 MR. FREIDIN: Q. It was a discussion
15 paper which was sent to the Ontario Native Taparisat
16 for the purposes of furthering the discussion about
17 this Aboriginal Negotiations Commission, is that
18 correct.

19 MR. WETELAINEN: A. Right.

20 Q. And was it a document which was
21 reviewed and approved by the OMAA executive before Mr.
22 Reid sent it?

23 A. We don't have a formal motion on the
24 books approving this document.

25 Q. Can you advise whether you agree or

1 disagree with the statement that I just read, the three
2 lines on page 12?

3 A. Well basically we have disagreements
4 with it. The friendship centres --

5 Q. You disagree with its accuracy?

6 A. Yes.

7 Q. Can you explain that disagreement
8 then, please?

9 A. Well what they've -- those three
10 organizations have disputed our right to represent
11 those people and what we're saying is that in reality
12 the Chiefs of Ontario, we've outlined what they
13 represent, their population.

14 OFIC is the Ontario Native Friendship
15 Centres which is by charter a non-political
16 organization. Therefore if they're non-political by
17 charter and by incorporation of documents how can they
18 therefore take on a political role. They therefore are
19 contravening their charter.

20 The Native Women's Association represent
21 one segment of the population. I would therefore say
22 is there a youth association next? Is there then after
23 that a veterans association? Is there then after that
24 a elders association.

25 Q. And do they agree with what you've

1 just said?

2 A. What's that?

3 Q. I know you disagree with the -- you
4 disagreed with -- when you say you disagree with that
5 statement, are you saying that those particular
6 organizations to this day do not dispute in any way
7 OMAA's right to represent all off reserve Indians?

8 A. They're entitled to what they say.

9 Q. You can't agree?

10 A. I just don't agree or we don't agree
11 as an association.

12 Q. Okay. Thank you.

13 Could you turn please to the
14 interrogatories for panel number 1, the exhibit number
15 of which I have lost.

16 MR. MARTEL: 1916.

17 MR. FREIDIN: 1916.

18 Q. And could you turn please to
19 interrogatory number 3. It has OMAA, page 3, in the
20 top right-hand corner.

21 MR. WETELAINEN: A. Yes.

22 Q. And this question was asked in
23 relation to the comment on page 1, paragraph 2, of the
24 witness statement:

25 "That OMAA represents the 200,000

1 Indian or Metis people living off reserve
2 in Ontario."

3 And you see that the questions which are
4 asked there really are similar to the questions which
5 we canvassed before the break. For instance:

6 "B) does OMAA claim to represent people
7 who do not self-identify as native
8 persons, C) does OMAA have formal
9 membership requirements and if so
10 what are they, and, D) to the best of
11 your ability can you tell us how many
12 OMAA members there are for each local,
13 and similarly, how the population which
14 OMAA claims to represent is distributed."

15 We go down on to the third paragraph of
16 the answer. You indicate:

17 "That OMAA is an umbrella organization of
18 affiliates in communities and that
19 individual people don't join the
20 organization. That an individual member
21 of OMAA is a member of one our affiliated
22 communities and each community has its
23 own citizenship or membership
24 requirements."

25 You go on and you say, starting in the

1 fourth last line:

2 "We believe that our constituency is
3 relatively evenly distributed throughout
4 Ontario. The membership (citizenship)
5 listed with OMAA locals are confidential
6 but our total membership is estimated at
7 15 to 20,000."

8 Now does that mean that there is within
9 some sort of an organizational structure where people
10 have some sort of democratic means of voting and
11 getting their views put to the executive OMAA that
12 there are approximately 15 to 20,000 people?

13 A. What we're saying is that in the
14 corporate structure that we have enlisted over the last
15 20 years to facilitate a democratic process against
16 a -- instead of -- in trying to build a consensus
17 instead of total consensus what you're -- what you
18 really ask of me is can you give me a consensus of
19 200,000 people and I guess I'm coming back saying I
20 can't give you a consensus of 200,000 people but we do
21 represent an organization that builds consensus within
22 the communicates and it filters up through to a
23 position paid within the organization.

24 And what you're really getting at is yes,
25 can we say that one member can stand up here and say

1 that OMAA doesn't represent them? I would say one
2 person can stand up out of that 200,000 probably
3 anywhere and say that.

4 But it's also like a municipality. It
5 goes and passes laws and everything else that has a
6 very low percentage of turnout in the vote and they do
7 represent them and they do make planning changes, they
8 do pass by-laws according to them, they do regulate
9 their life. I'm saying that same contest with OMAA is
10 that we do have a process and it does work.

11 Q. The comment is made here that each
12 community has its own citizenship or membership
13 requirements. Are you saying --

14 A. But to affiliate through with OMAA --
15 OMAA's bylaws override. The principles are simple.
16 We've stated them over and over again what you need to
17 be memberships of our organizations.

18 MS. MISEK: A. The Lombose (phoen)
19 Constitution has to conform to the organization's
20 constitution.

21 MR. WETELAINEN: A. The four principles
22 I think that we went through a number of times already.

23 Q. I'm reading an excerpt from the Sault
24 Star of July the 6th, 1991. I read it to you. It's
25 entitled, "Native Squabble Over Off Reserve Control."

1 The first paragraph says:

2 "The battle seems to be heating up
3 between First Nations and the Aboriginal
4 Association over just who exactly
5 represents the interest of natives living
6 off reserve."

7 Whether you agree or not, this issue,
8 this debate, is obviously a fairly current one, an
9 issue from July of this year, is still at this time
10 unresolved although you've indicated what your position
11 is. Is that fair to say?

12 A. There is discussions underway between
13 our organizations. We are sitting down with the Chiefs
14 of Ontario. We are sitting down with various regional
15 groups and we are discussing this. We know that there
16 are certain people that are -- there's a transient
17 population that transports back and forth between their
18 communities. We may service those peoples in our
19 community. They may look after our people in their
20 community and we know that we got to work out those
21 things as much as two nations always do.

22 MS. MISEK: A. In working paper number 3
23 we discussed that in the term hypermobility between an
24 on and off reserve communities. That hypermobility can
25 take place within -- you know, several times within the

1 period of a year or within a period of five years. So
2 it's very difficult when you've got a transient
3 population to determine at any given time whether
4 they're being serviced.

5 MR. WETELAINEN: A. And you may have
6 status Indian, maybe nowadays married to a Metis woman
7 but the children could be adopted from the first
8 marriage and maybe -- their interests still have to be
9 looked after. Their interests to land still has to be
10 maintained. They may come from one, are married into
11 another area, and as we said before, we still have
12 roots back to our original land.

13 Q. While we are on the issue of
14 distribution and where native people live, would you
15 turn to your report No. 3, Ms. Misek, I think at page
16 10.

17 MS. MISEK: A. Yes.

18 Q. And in terms of the population,
19 approximately 43 -- or 43.5 per cent reside in
20 communities over 5,000 people.

21 A. You're looking at the table on page
22 10?

23 Q. Yes.

24 A. Total 50.6 per cent of the total
25 resides in rural areas according to the census.

1 Q. I just rounded it off to 5,000. Are
2 you able to provide us with any sort of assistance as
3 to what percentage of those people actually live in
4 large urban centres such as Thunder Bay, Sault Ste
5 Marie, Toronto and other urban centres in southern
6 Ontario?

7 A. The 1986 census broke that out and if
8 you will allow me to get my briefcase I can give you
9 those percentages.

10 Q. Please.

11 A. I'm taking this from a paper called
12 The Selective Overview of Native Conditions in Ontario
13 produced by the Ontario Native Affairs Secretariat in
14 January, 1991. Which CMA were you interested in?

15 Q. Well, how is it broken out it; is
16 broken out by southern Ontario, northern Ontario, or how
17 how is it done?

18 A. In 1986 it's broken by major CMAs,
19 census metropolitan area. In Ontario there are 8, they
20 are, I suppose, mostly in southern Ontario, but they do
21 include Thunder Bay, Sudbury, Ottawa in northern
22 Ontario.

23 Q. And what's the number for those?

24 A. For Thunder Bay?

25 Q. No, for all those cities.

1 A. Hamilton 4.4 per cent, London 2.9 per
2 cent, Ottawa/Hull 8.1 per cent, St. Catharines/Niagara
3 3.2 per cent, Sudbury 2.6 per cent, Thunder Bay 2.7 per
4 cent, Toronto 19.7 per cent, Windsor 2.8 per cent. All
5 other areas, 53.6 per cent.

6 Q. All right.

7 A. The rural component is still larger
8 than the urban component.

9 Q. 47.3 per cent live in those areas?

10 A. 46.4.

11 Q. 46.4 live in those areas?

12 A. That's correct.

13 Q. Thank you.

14 A. According to the 1986 census.

15 Q. Right. Do you think that increased
16 or decreased since then in terms of the migration that
17 you're aware of?

18 A. I'm unable to comment on that.
19 Perhaps the 1991 census will give us an indication.

20 Q. Okay, thank you. Could you go back
21 to the interrogatories, please, Exhibit 1916, and
22 there's been discussion at the hearing and by this
23 panel about concern about traditional areas - I think,
24 Mr. Wetelainen, you mentioned that perhaps more than
25 others.

1 And in Interrogatory No. 6 you will find
2 that OMAA at page 6, top right-hand corner, the
3 question was asked which arose as a result of a
4 reference to a term 'unrecognized communities existing
5 in various parts of the province', and you were asked
6 to identify those and asked:

7 "What lands comprise the traditional
8 lands of each?"

9 And in the second paragraph it states
10 that:

11 "OMAA does not have access to the
12 resources to identify the traditional
13 lands of each of these communities."

14 But you go on to say that:

15 "It's been done for eastern Lake
16 Nipigon...", which I understand is Panel
17 No. 2?

18 MR. WETELAINEN: A. Right.

19 Q. Is that statement still true today
20 that at the present time OMAA is unable to identify the
21 traditional land areas of each of those communities?

22 A. OMAA can identify them, what we don't
23 have is the proper resources to put them into the maps
24 and documentation understandable to the community that
25 is dealing with it right now, take like yourself, the

1 MNR.

2 We know where our land base is, our
3 communities know where they are, what we have to do is
4 produce the documentation to prove to you people that
5 we do exist there and we've done that in one area.

6 Q. You've done that in one area. You
7 say it's a matter of dollars?

8 A. Well, we know exactly where they are,
9 it's just a question of putting it into the format that
10 you need.

11 Q. And assuming for the moment that you
12 had the funds to do that and did it, would you make
13 that information available to the Ministry for the
14 purposes of timber management planning?

15 A. Yes, we would, immediately. We would
16 have to go back to our elders. Some of this stuff is
17 traditional, some of it is very sacred, some of it has
18 been handed down to - as you'll hear tomorrow in Panel
19 No. 2, the Macdiarmid area - that it's been handed down
20 from father to son, et cetera, and it's mostly verbal,
21 but you will be seeing evidence tomorrow how it works.

22 Q. It's my understanding, panel, that
23 there is an indication that the criteria for
24 identifying what an OMAA community is is something over
25 which there is no agreement at the present time.

1 Now, let me be more direct. Do you have
2 a letter, the letter that you had there from Mr. Reid,
3 the May 31st document.

4 MADAM CHAIR: What are you referring to,
5 Mr. Freidin?

6 MR. FREIDIN: This would be Exhibit 1192
7 -- as you know, I have this learning disadvantage in
8 relation to numbers, as you're aware. Exhibit 1922.

9 MADAM CHAIR: 22.

10 MR.- FREIDIN: Q. Would you turn to page
11 15 of that document.

12 MR. MARTEL: Are you talking about a
13 letter or a document?

14 MR. FREIDIN: It's a document. I guess
15 it's a discussion paper of May, 1991.

16 Q. In the last paragraph on that page it
17 says, in the second sentence:

18 "One of the first tasks of the Aboriginal
19 Negotiations Commission could be the
20 negotiation of mutually acceptable
21 criteria for the identification of
22 off-reserve and non-status Indian and
23 Metis peoples."

24 Can you sort of provide me with some
25 background as to why that's an area which still needs

1 addressing.

2 MR. WETELAINEN: A. I think it's -- it's
3 not in our eyes it has to be addressed, we know where
4 the communities are, we know where the people are.
5 What we've got to come to terms with is how to explain
6 it to you people what those communities are and what
7 their boundaries exist like.

8 We know exactly where they are, we know
9 who the people are, we know who the families are, we
10 know what the extent of families are of that community
11 and we know what land base they have.

12 It's a question of us getting back, and
13 what the government has a hard time with is: Tell us
14 exactly, definitely, give us the boundaries of that
15 community today. We don't have the resource to go back
16 and do it all.

17 And when I talked to a member in Wabigoon
18 and he says, Henry, what's going on there, or Dinorwic,
19 they know the area they've used, they can tell me
20 verbally: Yeah, that was around here, around that lake
21 and this lake. They can tell us exactly.

22 They can tell us what functions they
23 carry out as a community. Each community has a leader.
24 It may not function exactly within our corporate
25 structures that we understand clearly, but each one has

1 a leader. We know where to go to -- in each one of
2 those communities who we have to talk to. Right across
3 the province that's clear.

4 MADAM CHAIR: Excuse me, Mr. Wetelainen.
5 In your opinion, would there be any areas in the area
6 of the undertaking which we're looking at, which is
7 anything north of Tweed, Huntsville, north anyway, is
8 there any area of northern Ontario to which the OMAA
9 constituency would not have traditional land use?

10 MR. WETELAINEN: It's pretty hard. I'm
11 only familiar with my area, northwestern Ontario, and
12 I'm familiar with some of the Zone 2 because of my
13 relationships and I have relatives that live in
14 different areas in that part. Olaf has ties all around
15 the Sault Ste. Marie, all around Sudbury, that type of
16 area.

17 My understanding is that most of the
18 communities have a native population that have
19 traditionally existed on land there, they're Metis and
20 non -- St. Joe Island, you know, nobody would ever
21 think there was a native community there. That's one
22 of the oldest native communities going, that's an old
23 Metis settlement.

24 You know, if you went there today you
25 would think that was a totally right Tory community,

1 but in fact there's a native community that existed for
2 a long, long time.

3 So each one that -- we have done mapping
4 exercises in the Bennett family in -- what's the
5 community there?

6 MR. BJORNAA: Bruce Mines.

7 MR. WETELAINEN: They have marked out
8 their family for a long, long time have went out and
9 hunted in the areas and practised traditional hunting
10 practices all through that area.

11 That's been mapped by that community.
12 They took that themselves. They, in fact, issued their
13 own hunting licences and they make sure that -- they
14 happen to have passed hunting and fishing guidelines
15 already, that their members can't - and they've
16 formally adopted those.

17 So each community has done it, practise a
18 different way, some of it's written, some of it's oral.
19 Conservation is a very integral part of that.

20 MR. FREIDIN: Q. And, Ms. Misek, would
21 you turn to your report No. 3, please, page No. 2.

22 MS. MISEK: A. Yes.

23 Q. This is the OMAA 1985 survey.

24 A. Mm-hmm.

25 Q. And I understand -- if you look in

1 the forth line of that document it indicates that the
2 original goals of the survey included obtaining an an
3 accurate membership list and enumerating the Metis and
4 non-status Indian people of Ontario, and then the
5 comment is made that you did not succeed in providing
6 OMAA with an accurate membership list or enumerating
7 the --

8 A. That's correct.

9 Q. --Metis people of Ontario. Is your
10 estimate, the estimate that you did, does that sort of
11 take the place of that?

12 A. Well, it was never intended to
13 actually replace that. We've used this information
14 from the 1985, what we call survey now.

15 Although it didn't enumerate the
16 population as may have been intended in the original,
17 you know, goal of the project, it did provide us with a
18 representative on the basis of age and sex,
19 statistically representative sample of that population,
20 which is why we have depicted the results in this paper
21 with some confidence that it represents the population
22 at large.

23 Q. And pardon my ignorance, but what
24 exactly do you mean by an enumeration?

25 A. A enumeration is the same as a

1 census, where every individual is counted.

2 Q. And you comment here in the same
3 paragraph that:

4 "Although the latter two goals were not
5 met, the project resulted in a random
6 representative sample of a limited
7 selection of the demographic and
8 socio-economic characteristics of the
9 Ontario native population...", et cetera.

10 My understanding is that OMAA was unable
11 to advise where, in fact, the people came from who
12 actually provided the information?

13 A. That's incorrect.

14 Q. All right.

15 A. That information was collected,
16 however due to confidentiality restraints we did not
17 publish that information.

18 The people who participated in the survey
19 were guaranteed confidentiality. As soon as you start
20 picking on two questionnaires from town "x" and town
21 "y" and whatever, you run the risk of exposing
22 respondents.

23 Q. And did the people who answered that
24 survey come from across Ontario?

25 A. That's correct, that's what is meant

1 by a representivity across Ontario by age and sex.

2 Q. All right. Thank you.

3 A. Using pi square root, which is a
4 standard statistical tool for measuring rates of
5 representivity.

6 Q. And on page 1 of the report -- pardon
7 me, page 9 of the report -- I'm sorry, go to report No.
8 1.

9 A. I'm sorry, which report now?

10 Q. Report No. 1. This is not the
11 amended one, but the original one.

12 A. Yes.

13 Q. Page 9.

14 A. Page 9?

15 Q. Yes.

16 A. Yes.

17 Q. There's a comment in the first full
18 paragraph about something we have talked about at the
19 hearing a number of times.

20 In the middle of the paragraph you say
21 that:

22 "The vital registry systems in Ontario
23 typically do not classify their
24 information by race or ethnic origin."

25 Is that statement as true today as it was

1 when you wrote the report?

2 A. Yes.

3 Q. Thank you.

4 A. We did not use the vital rates method
5 in our population projections, this is a discussion of
6 methodology, the cohort survival method was used.

7 If yo go on to read more of the
8 methodology of that paper you will determine where we
9 obtained our data.

10 Q. Can you turn please to your report
11 numbered 3 again at page 39.

12 A. Yes.

13 Q. There's reference in the second
14 paragraph:

15 "Regardless of whether individuals were
16 given the opportunity to register
17 themselves as aboriginal people or not
18 63.3 per cent of the respondents felt
19 that persons claiming native ancestry
20 should provide documented proof."

21 Do you have any idea or can you provide
22 any assistance as to why that view was held by 63.3 per
23 cent?

24 A. I didn't design the questionnaire,
25 sir, I came in after that fact, I simply presented the

1 results here.

2 The question is included in the
3 questionnaire which is in an appendix to this report.
4 We're simply providing the responses to that. The
5 response to the question was that certain individuals
6 felt that there was some onus on the individual to
7 support their claim to native ancestry, but no form of
8 documented proof was asked of the respondent and none
9 was volunteered.

10 Q. Okay, thank you.

11 MADAM CHAIR: Excuse me. OMAA itself
12 doesn't have any such requirement?

13 MR. WETELAINEN: We have the four
14 principles that we said before.

15 MADAM CHAIR: Just out of curiosity, what
16 would be documented proof of native ancestry?

17 MS. MISEK: Well, if I could elaborate on
18 that.

19 You see, I think that - taking some
20 latitude here - I think that what individuals may have
21 been thinking about is that under the Indian Act system
22 a fairly onerous documentation requirements are in that
23 system to make an individual prove whether they're
24 entitled to status, that involves providing a link of
25 an ancestor to a band list, and then once you have that

1 ancestor's name on a band list and you can show that,
2 then you have to go back through birth certificates to
3 determine that you, in fact, are a descendent of that
4 ancestor.

5 So those could perhaps be documented
6 proof types that they were referring to.

7 MR. FREIDIN: Q. In MNR Interrogatory
8 No. 2, 1916, for Panel 1, you were asked whether in
9 OMAA's terms and conditions OMAA claims they should get
10 25 per cent of the land base.

11 "When you make that claim, is this in
12 addition to the 20 per cent being asked
13 for by Treaty No. 3?"

14 And answer was yes, and I want to confirm
15 that's still the position of OMAA.

16 MR. WETELAINEN: A. Yes.

17 Q. Ms. Misek, could you turn to page 42
18 of your report No. 3 under the heading, Aboriginal Land
19 Base at the bottom?

20 MS. MISEK: A. Yes.

21 Q. On page 42 starting right at the
22 bottom it says:

23 "One quarter of the respondents indicated
24 that they would move to a Metis land base
25 - this is if you have one - while nearly

1 a third indicated that they would not.

2 Over one third were not sure whether they
3 would move to a Metis land base or not."

4 My question for the panel is: When you
5 derived the claim of 25 per cent of the land base did
6 you take into consideration that such a large
7 percentage would not move to it or weren't sure that
8 they would move to it?

9 MR. WETELAINEN: A. I guess they
10 probably -- in their minds they probably thought they
11 were already on it.

12 Q. Well, this was a survey that Ms.
13 Misek says was representative and canvassed off-reserve
14 natives across the province, approximately 50 per cent
15 of whom lived in large cites, and many of them in
16 southern Ontario.

17 The 25 per cent of the land base you're
18 claiming, Mr. Wetelainen, is in the area of the
19 undertaking and so I ask the question again: Did you
20 take into account the answer to that question to the
21 survey when you determined the percentage of 25 per
22 cent?

23 A. Okay. Roughly 50 per cent are saying
24 that they already live on their land base, or within
25 their land base of the survey, to start with of the

1 population.

2 Of the further 43 per cent that live in
3 surroundings, 25 per cent of those people said they
4 would probably move back. Is that not what came out of
5 it?

6 Q. They said they're not sure.

7 A. They're not sure. Well -- so then,
8 we would end up with 75 per cent of our population
9 moving back, which isn't...

10 MR. BJORNAA: A. Well, furthermore, if
11 there's nothing to come back to, in terms of resources
12 there and stuff for them to work with, sure they're
13 going to come back.

14 Q. Mr. Wetelainen, you'll be coming back
15 to talk about the 25 per cent calculation when you give
16 your evidence on Panel 4.

17 I should probably advise you now I may be
18 asking you for some detail of exactly how your
19 executive came up with that number, as you indicated
20 earlier that it was something which was discussed by
21 the executive and determined that that would be an
22 accurate number.

23 I'm going to want to know how you came up
24 with that other than just pulling it out of the air,
25 but I will save that for Panel 4.

1 A. We will have it for you.

2 MS. MISEK: Excuse me, Madam.

3 MADAM CHAIR: Yes, Ms. Misek.

4 MS. MISEK: I have to leave in about a
5 couple of minutes to catch a plane. If there are any
6 further questions could they come forward now, please?

7 MADAM CHAIR: Mr. Freidin, do you have
8 any additional questions for this witness?

9 MR. FREIDIN: No.

10 MADAM CHAIR: Thank you.

11 Mr. Irwin, do you intend to re-examine
12 Ms. Misek? No? None?

13 Mr. Irwin do you intend to conduct
14 re-examination of Ms. Misek's evidence?

15 MR. IRWIN: Only if my learned friend
16 gets to the merits of our presentation.

17 MR. FREIDIN: I guess that means no.

18 MADAM CHAIR: Ms. Misek, thank you very
19 much for appearing before the Board and you're excused
20 now.

21 MS. MISEK: Thank you very much.

22 ---Ms. Misek withdraws.

23 MR. FREIDIN: Q. Mr. Bjornaa, I want to
24 ask a question to go over some of the evidence you gave
25 this morning.

1 MADAM CHAIR: Excuse me, Mr. Freidin, Mr.
2 Martel has pointed out that it's four o'clock which is
3 when we try to start winding down the day's session.
4 How much longer would you say you would take to
5 complete your cross-examination?

6 MR. FREIDIN: Not more than two and a
7 half minutes. About 40 minutes.

8 MADAM CHAIR: Mr. Irwin, we have a choice
9 with your witnesses. Are they getting tired from
10 today? Will any of them be returning tomorrow or would
11 you like to request that the Board sit until this is
12 finished today?

13 MR. IRWIN: Two are returning and I think
14 one is staying.

15 MR. BJORNAA: I have to drive to Sault
16 tonight.

17 MR. IRWIN: I have no re-examination.

18 MADAM CHAIR: In that case the Board will
19 complete this evidence within the next hour.

20 MR. IRWIN: Up to this point I have no
21 reason to re-exam, at this point. I don't know what's
22 going to happen next week.

23 MADAM CHAIR: Okay. Thank you.

24 MR. MARTEL: It's the half minute that's
25 going to get you.

1 MR. FREIDIN: Q. Mr. Bjornaa, you
2 indicated in your evidence -- right at the beginning
3 you said, "In our remote areas we didn't get
4 information or flyers regarding the
5 plans."

6 I take it you were referring to, or were
7 you referring to timber management plans when you gave
8 that evidence?

9 MR. BJORNAA: A. I was referring to most
10 of the plans.

11 Q. Including timber management?

12 A. Including that.

13 Q. When you made that comment, when you
14 said -- when you say, "We didn't get information or
15 flyers," who were you referring to? You specifically?

16 A. I was referring to most of our
17 organization.

18 I live in a little village called
19 Batchewana north of Sault Ste. Marie and this little
20 village I'm yet to see -- I've been president over our
21 local there, where the Natural Resources have sent me a
22 flyer. I think all they ever sent us was a summons.
23 We weren't honoured with a flyer to come to a hearing.

24 Q. So I take it what you're saying is
25 that you, as the president of the local, or therefore

1 as representative of the OMAA community didn't receive
2 a notice sent to the community as such. Is that what
3 you're saying?

4 A. That's correct and there's a lot of
5 communities that's the same, has not received -- and
6 like I say a lot of communities do not get the press
7 like this and stuff in remote areas, and their areas
8 are being discussed for timber management and other
9 resources.

10 Q. I suggest to you -- first of all, has
11 OMAA made a list of its communities available to the
12 Ministry for the purposes of receiving such notices?

13 A. I quite imagine that Natural
14 Resources has a list of our OMAA communities and stuff
15 because we've dealt with them for the last -- ever
16 since I can remember we've dealt with them. For the
17 last 20 years I've dealt with Natural Resources out of
18 Sault Ste. Marie. They know our address. They know
19 our communities. When they come in and look for a
20 certain person to lay a charge or something they come
21 to us and say, 'Where's this certain person? He
22 belongs to your organization.'

23 MADAM CHAIR: Excuse me, just so to the
24 Board that this is clear because this point has been
25 discussed before, when notice is given by MNR about

1 timber management planning do you expect that notice to
2 go to OMAA's offices in Sault Ste. Marie as well as
3 individual notices to any of the 110 locals who might
4 be affected?

5 MR. BJORNAA: I quite rightly feel that
6 we have Natural Resources offices all over Ontario. We
7 have Natural Resources workers all over. If there's
8 going to be something take place within our
9 communities, in our areas, we see the Natural Resources
10 officers quite frequently. It don't hurt for them to
11 drop off a flyer and say, 'There is a timber management
12 meeting taking place within your community. We feel
13 that you could attend this.'

14 And I mean the officers -- the biggest
15 per cent know our people firsthand to speak to in small
16 communities.

17 MADAM CHAIR: Well we'll certainly,
18 before this hearing, the procedure for notifying people
19 will be much more strict than dropping off a flyer,
20 believe me.

21 But my question had to with does OMAA, as
22 an organization, want to receive notice of timber
23 management plans? In other words at your office in
24 Sault Ste. Marie.

25 MR. BJORNAA: Correct.

1 MADAM CHAIR: So that you can assure as
2 well that the individual locals are receiving notice if
3 for some reason they shouldn't be on a mailing list?

4 MR. BJORNAA: Yes.

5 MR. WETELAINEN: I just want to respond
6 to that one issue there. Is that when notices are
7 served I think that the process that has been used up
8 to date is not very friendly to our people.

9 Like you know just the documentation that
10 comes. The people that they're dealing with are
11 usually the people that they consider as their enemy,
12 to be truthful.

13 The MNR to them is almost like the foe
14 all the time. So when notice is served to come in what
15 can the government do for you today type thing, a lot
16 of our people just say come on. You're just getting me
17 close so you can serve -- like Olaf says, you want to
18 know who we are.

19 Our relationship with the MNR and the
20 bureaucracy is totally broke down. There's no trust.
21 They don't trust the hearings and that's a lot of the
22 reasons that the people don't show up at the public
23 hearings.

24 MR. BJORNAA: Just further to what Henry
25 says. I own a commercial fishing business. I'm yet to

1 attend a Natural Resources meeting without them being
2 armed. I'm yet to attend and our people walk in
3 without them armed. I think this is very
4 discriminating towards our people and I think people
5 around. I mean, you know, we've asked them, we've
6 said, 'Due to courtesy, you know, I don't think you
7 have to come to a meeting armed. I don't think we've
8 scalped anybody around.'

9 MR. MARTEL: Is that an office you mean?

10 MR. BJORNAA: Yes. I'm talking about
11 Natural Resources office in Sault Ste. Marie.

12 MR. WETELAINEN: What he's talking about
13 is the wardens have their guns very present.

14 MADAM CHAIR: Presumably if you met with
15 the district manager of the Sault Ste. Marie office
16 that person, he or she, wouldn't be wearing a gun.

17 MR. BJORNAA: I will give you just a
18 little small incident here. I was away to a meeting
19 and my grandson, three grandchildren at home - we raise
20 our grandson. He's 11 years old at the time, a three
21 year old and a four year old - four armed officers come
22 in for a search warrant. They couldn't wait five
23 minutes for my daughter who had drove her daughter
24 downhill to school. I'd gone five minutes. My
25 grandson was there sick on the couch and he was

1 watching his two little sisters while she just drove
2 down the hill. They came with a search warrant. Four
3 armed officers and pin it on the wall. Say, 'We got
4 the authority.' My granddaughter still tell me yet
5 today, 'Papa, who's them men looking for you with
6 guns?' They should be very proud. My grandchildren
7 will have that scar as long as they live.

8 MR. FREIDIN: Q. Mr. Wetelainen, you
9 gave some evidence this morning about clearcutting
10 occurring on your trap line and on the trap line of
11 your father and I think at least one other person.

12 Can you tell me what the trap line number
13 is? Are these dry ones too?

14 MR. WETELAINEN: A. Yes.

15 Q. Can you give me your trap line
16 number?

17 A. I can't remember the number.

18 Q. Can I have an undertaking to get that
19 number?

20 A. I certainly can.

21 Q. And your father's?

22 A. Yes.

23 Q. And other person --

24 A. Jeff Chief.

25 Q. In relation to your trap line have

1 you -- when was it cut? Do you know? The cutting you
2 referred to.

3 A. It started in -- let's see. I'm
4 trying to think a moment. I think it was around about
5 early late 70's, '78 it started it -- the roads finally
6 got close to it and about by about '85, '86 -- well, I
7 went out there -- well I was out to it last year and it
8 was totally cut off then. But they've already moved
9 out of there so it took them about 8 years, I guess,
10 somewhere around there to cut it off totally. There
11 are strips left here and there.

12 Q. How active a trapper were you before
13 1978?

14 A. I used to be on my line every year
15 working. Not prior from 1970 'til about '78.

16 Q. And would you say that you were
17 exercising your -- putting in about the same amount of
18 effort in those years just by and large?

19 A. It would depend on the year. It
20 would depend to the price of fur. It would depend on a
21 lot of things. I know my dad did.

22 Q. Those sorts of factors would affect
23 the return that you would see through your trap line
24 then?

25 A. They always do. The amount of

1 animals available, the amount you want to take off that
2 year, that type of thing. My dad can provide a fairly
3 accurate record rate through --

4 Q. Can you list for me the factors that
5 will affect the amount of return that you get off your
6 trap line?

7 You've mentioned one. Obviously if you
8 take all the trees and there is no trees, but other
9 than that what are all the other factors that can
10 affect the kind of return that you would see if you
11 were down there?

12 A. Depends how good a trapper you are.
13 Being one of the best, you know.

14 Q. Well, we'll look at your return with
15 that in mind.

16 I'm serious. I would like some
17 assistance into the sorts of factors which would --

18 A. I think what you're asking for is a
19 very detailed study of trappers' income. Then if
20 you're talking about a trapper income stabilization
21 plan, I don't think I can give that to you and I'm not
22 even going to give you a fair representation.

23 But if we want to get into some
24 statistical analysis on all the trappers in
25 northwestern Ontario that have been cut off, I think

1 that we can provide that to you over time.

2 Q. I don't want that.

3 A. Well what you're asking me for is a
4 sample. You want to use me as a sample that you're
5 going to take and extrapolate across the board, which
6 I'm not going to buy.

7 A. Don't worry about what I may or may
8 not do. I just want you to tell me what are the
9 factors which can affect the return, the amount that is
10 actually harvested on the trap line.

11 Q. Okay. MNR quotas to start with.
12 They give me amount of quotas per beaver house. They
13 fly over, they decide how many houses I can trap,
14 whether they're live, not alive. I go on the ground.
15 Sometimes those houses aren't alive, sometimes they are
16 alive. You're allowed to take so many off. That's
17 number one.

18 Depends on the weather conditions,
19 whether you can get on the lakes, whether you take your
20 beaver early in the fall -- that's just the beaver
21 population.

22 It will depend on whether you get an
23 early snow, whether you get a good freeze up, whether
24 you can get out there by boat, how much time you stay
25 there. All those things consider. Then whether or not

1 the beavers had a good year of multiplying. You know,
2 it depends on the muskrat population.

3 There's trappers that are going to be
4 going into that tomorrow but this is what my experience
5 of a trapper is, and then it'll depend on the price,
6 internationally, what's happening, whether there's an
7 abundance of beaver that are being on the market at any
8 given time.

9 Then your pine marten will depend a lot
10 on your squirrel population, your red squirrel
11 population and the amount of pine that are on your trap
12 line. That can vary. And that population is
13 drastically -- if the trap line is cut off there's no
14 pine marten. They move off, they're gone. They've
15 gone to the fringes or whatever. That's the major
16 species.

17 The other ones we have is some wild mink
18 and otter in our area. The fisher population is just
19 about extinct so you don't take any of them at all. My
20 dad I think gets one a year or something on his line.

21 So all those factors will work on your
22 ability to earn a living off it.

23 Q. Okay. And when the cutting started
24 in 1978 on your trap line, did you continue to trap?

25 A. Yes, I did, yeah.

1 Q. And can you describe for me whether
2 the intensity of effort changed considerably compared
3 to what it was prior to '78?

4 A. Gee, I would have to go back and
5 think it through. I know that I worked my trap line
6 those years, I know that I caught a certain amount of
7 marten at a point in time, I know that some of my area
8 what I trapped it changed drastically, in the sense
9 that I set traps some time and it would be cut-over,
10 the bush that you were setting in would all of a
11 sudden -- within a couple or three or four days could
12 be cut-over in the flat and you would lose your traps,
13 that's happened to a number of trappers in many areas,
14 not just myself.

15 So those things are actually experience
16 that I've had.

17 Q. And when did you stop -- you said you
18 were there in '91, but I got the impression you
19 stopped --

20 A. Well, what I have is -- a partner of
21 mine, a guy that came in trapping with me in early '80,
22 he became the primary trapper and I became the helper,
23 because I wanted him to have the line. So he took over
24 and he's still trapping it today, as I believe, but his
25 marten population has dropped.

1 Q. All right. And who is that helper?

2 A. Fedorchuk.

3 Q. And what is his first name?

4 A. Phil.

5 Q. And he's trapping that line now?

6 A. He had a fly-in camp on there and he
7 had come to me -- he had worked with me on different
8 housing projects and he wanted to take over the line,
9 so I wasn't in the area at the time, my dad was on
10 another trap line over, so...

11 Q. And are you able to tell me how he's
12 doing there other than marten, which you say are down?

13 A. I don't know. All I know is my dad's
14 income last year was drastically reduced, but that's
15 fur prices and part of his line being cut off, so --
16 and in the last few years it's fur prices but it's also
17 the amount of line that's been cut off.

18 Q. And I think you made reference to
19 medicinal plants?

20 A. Medicine plants, yes.

21 Q. Medicine plants. It was your mother
22 that --

23 A. My grandmother.

24 Q. Your grandmother. Would you be able
25 to say whether members of the OMAA communities would be

1 willing to share information with MNR as to the
2 location of medicinal plants?

3 A. I think you're talking.

4 MR. DANIELS: A. Those are sacred.

5 MR. WETELAINEN: A. Those are really
6 sacred things, those medicines were were handed down,
7 like, they're gifts from -- we consider them gifts from
8 our deceased grandfathers or --

9 MR. DANIELS: A. You can't talk about
10 that.

11 MR. WETELAINEN: A. No, it's hard,
12 but...

13 Q. The only reason I'm asking is that
14 there's a concern voiced about destroying these plants
15 through activities involved with timber management. I
16 can tell you that my clients would say that they're
17 not -- they would prefer not to do that, if you can
18 tell them where they are.

19 A. What I will do is talk to some of the
20 elders in my area that do practice traditional medicine
21 and they've relayed to me that they're having a very
22 difficult time finding some of the plants that they use
23 to get in abundance, and I will ask them if they
24 will -- decide whether or not they will give evidence
25 or even share that.

1 But they've told me that there's medicine
2 plants that we're going to have a very difficult time
3 to get now.

4 Q. I'm going to deal with this in
5 discussion with MNR, but the position has been taken at
6 the hearing that where sort of information of that
7 type, burial sites, those kinds of values are
8 identified, that they don't -- that information doesn't
9 go public and that it's dealt with in a confidential
10 basis and made sure that they're not harmed.

11 But that's something that we can discuss
12 later.

13 MR. DANIELS: A. Well, don't leave it
14 like that because the whole forest is a drug store, the
15 whole forest is a drug store, every tree, every plant.
16 So you destroy what you think to you might be a little
17 slew or a swamp, in there is a lot of medicine.

18 Q. All right.

19 A. See, you can't say: Well, where are
20 they. They're all over the place, and it depends on
21 who the medicine person is. Some particular medicines
22 are only used by one person because that gift was given
23 to them by the great spirit either in a dream or else
24 in a fast, and they tell them where that medicine is
25 and that's how they know where it is. I may not use

1 that.

2 Q. Well, that comment, Mr. Daniels,
3 makes me think of Mr. Martel's question this morning
4 about how would OMAA's control of a certain percentage
5 of the land base affect the delivery of fibre, was his
6 word, to the mills, and you have indicated that the
7 forest is sacred, every tree is sacred. I mean, can
8 you provide --

9 MR. IRWIN: That's an exaggeration of the
10 position.

11 MR. FREIDIN: Q. Well, can you answer
12 Mr. Martel's question?

13 How do you see wood supply to the mills
14 being affected, if at all, as a result of OMAA control
15 of 25 per cent of the area designated for harvest?

16 MR. BJORNAA: A. It's like I said this
17 morning, I said there's places that we are going to
18 have people, in fact, we are going to have some of our
19 elders and have some of our people come in saying the
20 select cut, places you can cut over in here, over in
21 there, preserve so some of this medicine can grow back,
22 don't rape the resource, don't clearcut it in places
23 and stuff like that. We are going to have some of our
24 elders come in and tell us this.

25 Q. And that will be in Panel 2.

1 MR. WETELAINEN: A. I think you're going
2 to see some of it tomorrow, there will be some evidence
3 produced.

4 I think, I'm not sure, depending on who
5 shows up, but there is some talk of the medicine plants
6 and blueberries, those types of things.

7 Q. And I assume that no determination
8 has been made by OMAA as to what effect using the
9 methods that you are contemplating will have on the
10 total amount of wood supply available?

11 A. I think our calculation would be on -
12 I'm just going back to traditional harvesting methods -
13 that we would have to assess the impact on the resource
14 that's there and see what impact it has.

15 Now, if there is a certain area where a
16 certain plant is growing told to us by an elder that is
17 not anywhere any else grown, that we would be very,
18 very careful about harvesting in that area, and that
19 elder's views on those areas or that panel - I'm just
20 saying the coalition or community forest or whatever -
21 how we develop the concept, we would make sure those
22 things have input and relevance, just as a biologist or
23 just as another professional would say that that had
24 impact on the environment.

25 Q. Right. But am I correct that no

1 assessment or calculation has been made on the effect
2 of the amount of wood supply would come off of this 25
3 per cent that has been calculated?

4 A. Well, I do't think we have. We
5 don't -- we cannot even give you that answer yet, until
6 we --

7 Q. That's fine.

8 A. Yeah.

9 Q. There was a question asked, I think
10 by the Chair, about whether Metis people were entitled
11 to the same rights or benefits as treaty Indians, and I
12 think the conversation was in relation to fish and
13 wildlife.

14 Madam Chair, I would just like to -- that
15 issue arose in Fort Frances, and you recall that an
16 undertaking was given at that time at the request of
17 the Board to Mr. Reid to provide the position of the
18 Ontario Government concerning the treaties and
19 aboriginal rights of OMAA members, as we had made a
20 statement in that regard in relation to Treaty No. 3.

21 That undertaking was complied with by way
22 of a letter dated July the 3rd, 1991 under the
23 signature of Kathleen Murphy, solicitor for MNR on this
24 EA, and it was provided to the Board. I would like to
25 file that letter and have it made an exhibit.

1 MADAM CHAIR: That's fine, Mr. Freidin.
2 This will be Exhibit 1923. Have the witnesses seen
3 this?

4 MR. FREIDIN: I don't know.

5 MR. DANIELS: Not to our knowledge.

6 MADAM CHAIR: We have not received this
7 letter, Mr. Freidin, before now.

8 MR. FREIDIN: No, all right. I'm sorry.

9 MADAM CHAIR: This is the first time we
10 have seen this letter. So this will be Exhibit 1923.

11 ---EXHIBIT NO. 1923: Three-page letter from Kathleen
12 Murphy (MNR) to Christopher Reid
13 (OMAA) dated July 3, 1991 re:
Undertaking given in Fort
Frances.

14 MADAM CHAIR: It's a three-page letter
15 from Kathleen Murphy to Mr. Christopher Reid at OMAA
16 and it's dated July 3rd, 1991.

17 We are going to take two minutes here to
18 read the letter, Mr. Freidin.

19 MR. FREIDIN: I don't intend to ask any
20 questions about this, Madam Chair, I just wanted to
21 have it filed.

22 May I proceed, Madam Chair?

23 MADAM CHAIR: Go ahead, Mr. Freidin.

24 MR. FREIDIN: Q. Mr. Daniels, you made
25 reference to the need to improve the attitude--

1 MR. DANIELS: A. Mm-hmm.

2 Q. --that existed between I guess
3 government and your people, and there's a need to
4 address the concerns that have been long outstanding.

5 Would you agree that the Agreement on
6 Aboriginal Economic Development which has been
7 discussed before is a positive movement in the right
8 direction?

9 A. Certainly.

10 Q. Does the Ontario government -- or
11 it's my understanding that the Ontario government is
12 providing core funding now to OMAA; is that correct?

13 A. Yes. Very little though.

14 Q. All right.

15 MADAM CHAIR: Excuse me, what's core
16 funding?

17 MR. WETELAINEN: Well, to explain that
18 what's happened is that the Ontario government has,
19 over a number of years, funded the status organizations
20 to carry on political lobbying like this that we do and
21 to do infrastructure work in the community and they
22 have funded the Chiefs of Ontario Office to do the same
23 thing. They have neglected to fund this organization
24 for the past 19 years.

25 MR. FREIDIN: Q. I understand that that

1 has changed as of March of this year though.

2 MR. WETELAINEN: A. Yes. We get
3 roughly -- even though we represent a larger
4 population, we get approximately one-fifth of the
5 status budget that they get.

6 Q. All right. My understanding is that
7 you received core funding of a hundred thousand dollars
8 for the 1990-91 fiscal year and an additional \$120,000
9 is in the works for this year?

10 MR. DANIELS: A. 210.

11 Q. 210?

12 MR. WETELAINEN: A. Basically they
13 rolled it over.

14 Q. And, again, those monies are used for
15 what sort of purposes?

16 A. To fund basically the political
17 activity of our zone corporations, to maintain a
18 structure that our people can participate in, and a
19 vehicle for the voices of communities to be heard.

20 Q. Am I correct, Mr. Bjornaa that by way
21 of a letter dated June the 18th, 1991, the Ministry of
22 Natural Resources indicated that money would be made
23 available to OMAA to deal with issues including a
24 process for self-government and community
25 identification?

1 MR. BJORNAA: A. Correct.

2 Q. And am I also correct that in that
3 letter the Minister also indicated a willingness to
4 restart self-government discussions with OMAA with or
5 without the participation of the federal government?

6 A. That's correct.

7 MR. FREIDIN: I would like to file a copy
8 of that letter to, if I might, Madam Chair.

9 MADAM CHAIR: One moment. Mr. Bjornaa,
10 did you have something to add?

11 MR. BJORNAA: Yes. We have received
12 letters and stuff from the Minister in the meeting we
13 had with him, it's just that the process is so slow
14 coming in place. We don't to be, like I stated before,
15 like natural resources put the screen doors and the
16 snow is blowing through, so far behind schedule though.

17 MR. FREIDIN: Okay.

18 MADAM CHAIR: Mr. Freidin, what is the
19 document you submitting now?

20 MR. FREIDIN: The document is a letter of
21 June the 18th 1991, from C.J. Wildman, Minister of
22 Natural Resources to Mr. Bjornaa.

23 MADAM CHAIR: How many pages is that
24 letter?

25 MR. FREIDIN: Two pages. (handed)

1 Q. And Mr. Bjornaa, would this letter
2 indicate perhaps another step in the right direction
3 which you would like to see speeded up as much as
4 possible?

5 MR. BJORNAA: A. That's correct.

6 MADAM CHAIR: This will be Exhibit 1924.

7 ---EXHIBIT NO. 1924: Two-page letter dated June 18,
8 1991 from C.J. Wildman, Minister
9 of Natural Resources to Mr.
Bjornaa.

10 MR. IRWIN: For the record, Madam Chair,
11 our criticism of what we consider entrenched
12 bureaucracy does not apply to Mr. Wildman.

13 For the record, we're prepared to openly
14 state that the cooperation received from the new
15 Minister has been superb.

16 MR. FREIDIN: And that's accepted by
17 witnesses?

18 MR. BJORNAA: Yes.

19 MR. FREIDIN: Q. Mr. Wetelainen?

20 MR. IRWIN: But we differentiate between
21 the Ministry of Natural Resources and the Minister.

22 MR. WETELAINEN: And I guess I want to
23 qualify that a bit too, in the sense that the Ontario
24 government did have a small business support program in
25 northern Ontario in effect for native communities,

1 which our people were accessing, for things like
2 skidders, to try and participate in the forest
3 industry, and we were having limited success at it.

4 The program has since ceased and been cut
5 out by the government and no replacement vehicle has
6 been put in place.

7 So even though that we see some changes
8 and we see some positive things, they've eliminated a
9 fairly large program in the process that really cuts
10 out access to participate in the economic benefits.

11 MR. MARTEL: When did that occur?

12 MR. WETELAINEN: That occurred a year and
13 a half ago, they eliminated the program.

14 MR. MARTEL: Have you sought --

15 THE WITNESS: We are carrying out
16 consultation with the province now. Most of the money
17 this organization gets is basically federal dollars
18 that comes in from the loan program, without no
19 provincial participation.

20 I should qualify that. They do
21 participate in the economic development corporation
22 though, the province, on a funding scenario.

23 MR. FREIDIN: Q. Could we just go back
24 to the Agreement on Aboriginal and Economic
25 Development. I think the paragraph that you

1 highlighted, Mr. Wetelainen, is on page 3, which is
2 paragraph 2.2 which refers to aboriginal economic
3 self-reliance.

4 MR. WETELAINEN: A. Mm-hmm.

5 Q. Now, this is a document which was
6 created and negotiated quite separate and apart from
7 this hearing; is that correct?

8 A. Yes, it has been.

9 MADAM CHAIR: Can you direct me, Mr.
10 Freidin, to where you are?

11 MR. FREIDIN: I'm looking at 2.2 at the
12 bottom. That was the paragraph that was referred to
13 and this document, as we indicated, was negotiated
14 quite outside this particular proceeding.

15 Q. And would you agree with me that
16 there is an undertaking outlined on page 4, that's
17 again outside the parameters of this hearing, that the
18 Ontario government has undertaken to enhance aboriginal
19 peoples' access to natural resources, and we find that
20 in 3.5?

21 MR. WETELAINEN: A. Yes, it's there and
22 it's signed.

23 Q. Thank you.

24 A. 25 per cent would fit in there
25 nicely.

1 Q. I guess that will one of the things
2 that you might want to negotiate.

3 MR. DANIELS: A. For starters.

4 Q. Are there OMAA communities or First
5 Nations which are involved in negotiating directly with
6 the governments of Ontario and/or Canada in relation to
7 issues revolving around access to resources?

8 MR. WETELAINEN: A. First Nations, you
9 mean reserves?

10 Q. Well, I have a document here in front
11 of me, it's called A Framework Agreement, it's between
12 a number of nations. I'll read them to you and then
13 you can tell me whether any of these are OMAA
14 communities.

15 A. Okay.

16 Q. Fort William First Nation,
17 Michipicoten First Nation, Hays Plat First Nation, Pic
18 Mulbert, Rocky Bay, Sand Point.

19 A. That's bands, yeah.

20 MR. BJORNAA: A. Registered bands.

21 Q. Those are all--

22 MR. WETELAINEN: A. Status.

23 Q. --reserves?

24 A. Reserves.

25 Q. These are all reserves.

1 MR. BJORNAA: A. Reserves.

2 MR. FREIDIN: If I may have one moment, I
3 think I'm finished.

4 MADAM CHAIR: Thank you very much, Mr.
5 Freidin.

6 MR. MARTEL: You were getting close.

7 MR. FREIDIN: I thought of waiting for
8 another five minutes.

9 MADAM CHAIR: Thank you, Mr. Irwin, we
10 have finished. I understand we have finished with the
11 cross-examination of these witnesses.

12 Is there any --

13 MR. IRWIN: I have no re-examination. My
14 witnesses are getting a little punchy.

15 MADAM CHAIR: I think we all are, it's
16 been a long day.

17 MR. DANIELS: Starting to say crazy
18 things over here.

19 MADAM CHAIR: It's been a long day,
20 gentlemen.

21 The Board thanks you very much for
22 appearing before us, and I saw you in the audience
23 yesterday, so you have put in two full days at this
24 hearing, and we will see several of you tomorrow.

25 Have a safe trip home, Mr. Bjornaa and

1 thank you very much.

2 MR. DANIELS: See you tomorrow.

3 MADAM CHAIR: Thank you.

4 ---Whereupon the hearing was adjourned at 4:40 p.m., to
5 be reconvened on Friday, September 13th, 1991,
6 commencing at 8:30 a.m.

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